



TIMBER TALK

Your Voice for South Carolina Timber Harvesting

MARCH/APRIL 2019

LOGGERS CONVENE IN NATION'S CAPITAL FOR ANNUAL FLY-IN



The American Loggers Council (ALC), the national association of professional timber harvesters, organizes annual fly-in April 4-6 to connect loggers to key decision makers

April 8, 2019, Hemphill, TX— The American Loggers Council (ALC), the national association of professional timber harvesters, organized its annual fly-in April 4-6 to connect loggers to key decision makers in Congress and the Trump Administration. The event enjoyed record participation as loggers from across the nation convened in Washington DC.

ALC's membership, made up of state logging associations and individual loggers, returned to Washington DC at a time of divided government. Recognizing the capital's polarized political environment, loggers reached out to both Republican and Democratic lawmakers on Capitol Hill to advocate for an industry primarily composed of small, family-owned businesses.

"Loggers understand the importance of working across the aisle and reaching out to lawmakers who may not know about our industry or have misconceptions about what we do in the woods," said ALC Executive Vice President Danny Dructor. "The small businesses in our industry provide the wood products that Americans use every day, yet we operate on razor-thin profit margins, and like other industries,



we are seeking to replenish an aging workforce of loggers and log truck drivers."

"Our legislative agenda has been well-received on Capitol Hill,

because members of both parties agree that loggers are essential to the health of America's forests and economy."

To help recruit the next generation of loggers, ALC members advocated for the bipartisan "Future Logging Careers Act" (HR 1785 and S. 818) to extend an existing agricultural exemption allowing 16- and 17-year-olds in family logging businesses to work in mechanized logging operations under

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parental supervision.

"Like farming and ranching, the timber harvesting profession is often a family run business where the practice and techniques of harvesting and transporting forest products from the forest to receiving mills is passed down from one generation to the next," Ductor said. "Timber harvesting operations are also very similar to family farms with sophisticated and expensive harvesting equipment that requires young family members to learn how to run the business, including equipment operation and maintenance, prior to reaching the age of eighteen."

ALC is also committed to improving the safety of loggers and log truck drivers. That's why members advocated for the "Safe Routes Act," soon to be introduced with bipartisan support, to allow more log trucks to utilize federal interstates for short-haul trips, as a safe alternative to state, county and local roads.

"Safe and efficient log hauling is essential to our industry and the nation's economy, but inconsistent weight standards are putting American lives at risk,"

Ductor said.

"Since the spring of 1997, the ALC has urged Congress to allow the industry's trucks to haul state-legal weights on the Federal Interstate Highway



System, which often provide safer routes to mills. As fatal log truck collisions increase, there is ample data suggesting this reform would save lives by routing log trucks away from schools, crosswalks, city intersections and railroad tracks."

Because many communities continue to suffer from catastrophic wildfires and smoke, loggers also advocated for better management of federally-owned forests. In recent years Congress has provided the U.S. Forest Service and the Bureau of Land Management new tools and resources to treat fire-prone landscapes

at a faster pace. In addition, President Donald Trump last December signed an Executive Order prioritizing forest management activities- including logging- to reduce excess fuels. The American Loggers Council is working to assure these new tools and resources are fully utilized to decrease the size and intensity of wild-fires.

"We urge members of Congress to fund the Forest Service and BLM with the adequate dollars necessary to ensure implementation of all authorities while at the same time request a quarterly progress report that will detail the number of projects implemented, the number of acres treated, and the type of project and what authorities were utilized in its implementation," Ductor said.

Increasing the pace and scale of forest management activities on



federal lands also requires stable markets for wood fiber, especially for low-value materials that can't be used for lumber. ALC believes the United States has an important opportunity to promote the conversion of woody biomass into renewable energy, which would support forest restoration on federal lands while protecting families who own small woodlands. Wood utilization can help reduce greenhouse gases and help governments at all levels meet climate goals.

"Wood utilization promotes healthy forests and communities," Ductor said. "In addition to providing green and renewable energy, it provides local and rural employment. As a rule of thumb, each megawatt of wood-fueled electricity supports approximately five full-time jobs: one direct job in the power generation facility and four indirect jobs in surrounding forests and communities."



The ALC fly-in concluded with its Board of Directors meeting, where members discussed developments on Capitol Hill and the progress that's being

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made on the loggers' legislative priorities. The board also voted to approve the Ohio Logging Standards Council as its newest voting member, bringing the total number of states being represented by ALC to 36.

"As the logging industry changes and faces new challenges, the American Loggers Council is committed to working with policymakers across the political spectrum to ensure our national forest products industry remains competitive," Dructor said. "We are 'loggers working for loggers' and we are proud of what we do for all Americans."

CONTACT: Daniel Dructor, 409-625-0206, americanlogger@aol.com

SCTPA Visits "The Hill" in Washington, DC

By Crad Jaynes, SCTPA President

SCTPA board members Danny McKittrick, McKittrick Timber, LLC, Josh Key, Beech Island Timber & Construction, Inc., Bob Lussier, Great Woods Companies, LLC, Bo Bo Seckinger, Seckinger Forest Products, Inc., John Key, Josh's brother, Beech Island Timber & Construction, Inc. and president Crad Jaynes attended the 2019 American Loggers Council (ALC) Fly In April 3 – 6 to our nation's capital for meetings with our South Carolina U.S. House of Representatives and Senate members and ALC meetings and board of directors meeting.

On Thursday, April 4th, our delegation made our visits to our SC U.S. House and Senate members' offices to promote the American Loggers Council position issues as well as issues impacting South Carolina.

On Wednesday April 3rd, we were scheduled to have supper with SC Third District Congressman, and our buddy, Jeff Duncan, but due to the activities still taking place at the Capitol in the Energy & Commerce Committee's bill mark ups lasting over fifteen hours Congressman Duncan was unable to meet us to dine. But we were delighted former Florida Congressman and now representing the American Loggers Council on The Hill, Steve Sutherland joined us to share stories and talk about what's happening in DC and the Congress.

Prior to our supper, American Loggers Council held a reception at Capital Consulting Group's office for Congressmen and staffers on pertinent forestry and

agricultural committees. Three Congressmen attended and a staffer from another Congressman's office was present.

Our meetings on Thursday went well with the staffers who were carry-overs from last time, but we did not get to meet with any House or Senate members. It had been a busy week and they were all leaving to go back home for the weekend. We had a few

new staffers to educate like SC's First District Congressman Bob Cunningham's staffer as Bob was elected back in November and there had been some other staff changes in other offices. But staff changes are not unusual in DC. Even the "newbie staffers" were familiar with our issues as SCTPA had informed them prior to the meetings. We actually

felt like the meetings were productive for the issues presented. The carry-over staffers were very much on board with our issues and pledged to take the information provided to their bosses and get support. We felt like we had support for our two issues from five House members and both Senators.

Two issues were discussed at length with the staffers. First... the Future Logging Careers Act and secondly... the Safe Routes Act. These were to two American Loggers Council focus efforts these meetings centered on as the Future Logging Careers Act bills, H.R. 1785 and S. 818, had been entered in both the House and Senate. The Safe Routes Act bill was forthcoming in the House and very likely it would be entered into the Senate. Other focus issues were discussed such as "Thin The Threat" to improve federal forestlands management to reduce the threats of catastrophic wildfires and improve forest health while increasing the timber volumes harvested and "Wood to Energy" to recognize woody biomass as carbon neutral for use

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in producing renewable energy.

The ALC participation in DC was great... largest turnout of ALC state representatives ever. It was a great display by America's professional loggers to take our issues to those representing us in Washington, SC.

John, Bo Bo and Bob were first timers to DC. It was a pleasure to have those guys with us. Unfortunately Bob became



SCTPA's ALC Board of Directors member Bo Bo Seckinger



ALC Board of Directors
Washington DC meeting

moving from appointment to appointment, building to building in a set time frame cause you only have a limited amount of time to see the staffers. A lot of walking and hustling that can be gruesome at times. They fell right in and did an outstanding job with their comments and insights.

When we were talking about the Safe Routes Act, John showed the staffers on his cell phone his truck's dash cam video of a car cutting right in front of him which really backed the reason for the Safe Routes Act to get our trucks out of congested

areas. To say the least, John did an outstanding job avoiding what could have been an accident.

And we did have some spare time on Friday so we took a short sightseeing tour. Friday was cold and rainy and just plain yucky. But I (Crad) wanted our first timers to see Arlington National Cemetery and the Changing of the Guard at the Tomb of the Unknown Soldier. Anyone who visits our nation's capital must go to Arlington to see this place and see the acres and acres of crosses and tombstones of those service men and women, presidents, statesmen and



(l-r) Bob, Josh John & Danny at
ALC DC Bard Meeting

stateswomen, leading figures of our great nation that are laid to rest in this honored place. Arlington National Cemetery is a place where you must visit to truly get the sense of how our great American heroes sacrificed in military service and in other service to our country. It is a place of Honor, Pride, Reverence and Remembrance.

After Arlington we ended our sightseeing tour due to the inclement weather without seeing the other memorials such as the Lincoln Memorial, Vietnam Memorial, Korean War Memorial, World War II Memorial and George Washington Monument all along the national mall. But that was okay because we got to see the Changing of the Guard.

Friday afternoon we attended a meeting hosted by American Loggers Council to hear from several speakers. An attorney spoke about anti-trust regarding our industry which was very well received. Carlton Owen of the U.S. Endowment for Forestry & Rural Communities spoke about creating a "Check Off" for loggers and the Real Time Turn Time "App" being piloted in South Carolina through the SC Timber Producers Association and other possible funding opportunities for the Endowment to help the timber harvesting sector.

The ALC board meeting on Saturday was professional as always. Reports from those attending were provided regarding their visits to The Hill and visits to various agencies and administration officials. Other reports were provided by the ALC Master Logger Certification Committee, Membership Committee, Legislative Committee and Biomass Committee.

One of the main issues discussed was the continuing efforts to allow state legal truck weights to move agricultural commodities, including forest products, on the federal interstate highway system within the state. One change to the ALC position on this from the past really made a difference.

The American Loggers Council position on this changed to state in the position paper to allow the use of the federal interstate highway system within a 150-mile radius from harvesting site to delivery point. This change sparked increased interest from Congressional members and staffers.

Why so? Well, in the past over many, many years of promoting this issue, the railroads have been against this as they are against anything pertaining to trucking size and weight changes. Plus, it is now

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known, the railroad lobbyists have gone to Congressional members and staffers and let them know, if they support truck size and weight changes, then their (railroad) contributions to their campaigns may not be available. With this change, it appeared the interest was spurred to a higher level for support to make this change happen and allow state legal weights for agricultural products and unmanufactured forest products to be trucked on the federal interstate system within the state. BUT... the emphasis was on... SAFETY, SAFETY, SAFETY... of the motoring public and our industry's drivers.

Frankly, this just makes so much sense to remove

as many of our wood trucks from small towns, rural roads, stop and go traffic, school zones, etc. And the main point is... it increases the safety for our drivers and the motoring public. But in DC... it's all about politics. So we'll see where the bills go from here.

SCTPA has remained in contact with our Congressional offices trying to promote the talking points and issues presented during our visits. The DC process operates slowly sometimes... no most times. But through the American Loggers Council efforts of all its members and our association as an ALC member, progress is being made "Up On The Hill." But again remember... it's all politics in DC.



Congressman Ralph Norman's
staffer Meghan Holland



Congressman Joe Wilson's
staffer Leah Grace Denny



Congressman Tom Rice's
staffer Walker Truluck



Congressman Bob Cunningham's
staffer Paniz Rezaeeroi



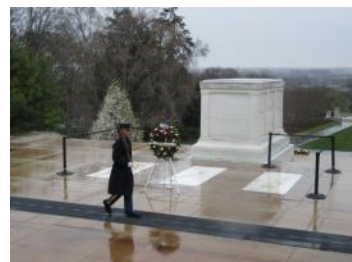
Congressman Lindsay Graham's
staffer Scott Graber



John Key shows dash cam video to
Sen. Tim Scott's Legislative Chief
Charles Cogger



John, Bob & Danny walking to
President John F. Kennedy's grave
site



Tomb of the Unknown Soldier



Bo Bo & Bob watch the Changing of
the Guard



Arlington National Cemetery



It's Not All Politics



While much of the time your State, Regional and National Logging Organizations are busy working at the local State and Federal level on policy issues that impact your businesses, their work does not end there, not by a long shot!

Oftentimes logging associations are also engaged in training, safety and transportation issues, to name a few. They are also ensuring that the well-intended thoughts of others outside of the logging industry who believe that they are working in the best interests of the logging industry are actually having a positive impact and not just another cost to the price of doing business.

In 1994, members of the American Forests and Paper Association rolled out a program titled the Sustainable Forestry Initiative. At the time, it appeared to be a great idea with one exception, they forgot to invite the logging businesses to the table. That was the impetus that brought logging contractors together 25 years ago in St. Louis, Missouri: the need to have a voice of our own representing the issues that are important to loggers.

Over the past 25 years, loggers have come together in any states that did not have a trade association either as a stand-alone organization or under the umbrella of a State Forestry Association. Working together, loggers have addressed workman's comp insurance rates, truck weights on state and county roads, ad valorem and sales tax exemptions for logging equipment and supplies, and other on-the-ground issues away from Washington, DC and State Capitol buildings that have a real impact on their businesses.

The American Loggers Council recently welcomed the Ohio Logging Standards Council as the newest voting member to our Board of Directors. As of this writing, we are working in Pennsylvania to assist professional timber harvesters to form an organization that would work in the best interests of their logging workforce in the state and tackle those issues that are important to loggers.

We believe that all States with commercial timber harvesting operations should be organized through membership in either a state or regional logging association and that there is truly not only strength in numbers, but also the wisdom of many of our peers, both past and present, that can prevent us at all levels from reinventing the wheel when it comes to looking for ways to accomplish goals. Next stop, Bangor Maine! We are "Loggers Working for Loggers!"

The American Loggers Council is an 501(c)(6) not for profit trade association representing professional timber harvesters throughout the United States. For more information please contact the American Loggers Council at 409-625-0206, or americanlogger@aol.com, or visit our website at www.amloggers.com.



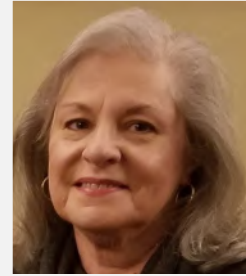
SCTPA WELCOMES KATHY FUDGE AS COMMUNICATIONS DIRECTOR

SC Timber Producers Association is proud to welcome Kathy Fudge as the association's Communications Director. Kathy has worked with SCTPA for eighteen years as our association's newsletter editor and publisher, and has assisted with the membership database.

Currently, Kathy is keeping the SCTPA Facebook page active along with administering monthly membership renewal invoicing, updating the member database, member renewal certificates and thank you letters and member past due notices. She is developing a SCTPA brochure and will assist in other communication areas.

Kathy has been involved in working with associations for many years. Her company is Collaborative Efforts, LLC and she is located in Lexington. She also serves as the Executive Director of the SC Corn & Soybean Association.

"Kathy and I have worked together for many years; and now I am pleased that more of her expertise and talents, to assist me and our association even more, will be utilized. Thanks to our board of directors for approving Kathy to partner with SCTPA. It's already been a blessing as she has taken some load off of me since my schedule is often crowded with meetings and travel, and I know she has and always will do a great job at her tasks." said SCTPA President Crad Jaynes.



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As [She] Sees It: The Future of Logging Depends on our Youth

By Chrissy Kimball, Kimball & Sons Logging

Editor's Note: This month's As We See It column was written by Chrissy Kimball of Kimball & Sons Logging of Poland, Maine. In light of the recent introduction of the Future Logging Career Act and the release of the report commissioned by PLC of Maine, we thought Chrissy's original blog post offers an inspiring message on the future of logging. Kimball & Sons Logging has graciously given us permission to share this column.

Hey there! It's Chrissy, the supporting actress of Kimball & Sons Logging and Trucking. I tend to be busy raising the "sons" part of the operation but I wanted to take the opportunity to write a little bit about the articles I have been reading lately regarding the recent study conducted by the PLC of Maine siting low pay as a barrier to our industry and also the bill that Angus King and Jared Golden are introducing, Future Loggers Career Act.

I have actually never been more excited and optimistic about the forest products industry in our state. Perhaps that's because I am a glass half full kind of person. There is amazing technology on the brink of revolutionizing how forest products can be used. Researchers in our very own state are working on technology to covert biomass into jet fuel. There is nanocellulose from wood products which are fibers that can be used in textiles and medical products, pulp and paper mills are moving away from print media and into packaging products, and wood products can even give us cellulosic sugars which can be used as a preservative in foods!

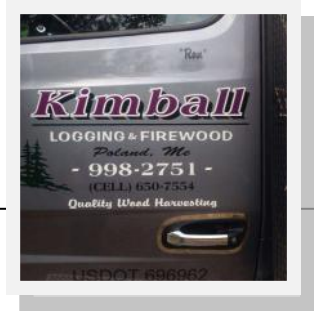
With all of this technology coming down the pipes, we can't forget that if there are no loggers and no truckers, these products can never go into production. As evidenced by the study conducted by the PLC of Maine, it is no secret that the logging contractors in Maine struggle to keep up with paying competitive wages. Trust me, it is not because we are keeping it all for ourselves. In order to keep great employees, we

might even pay them MORE than we make as the owners. I'm just being honest here.

However, I do know that there is a ton of work being done on our behalf and I see a future for our industry that includes competitive wages and benefits for our employees coupled with the enjoyment that comes from working with a family owned business. While we may not currently be the highest paying gig in the area, there are other amazing benefits to working in the woods for a small company. The camaraderie in the woods is superior to any other type of work, the views from your "office" are always amazing, and there is nothing more invigorating than a beautiful sunrise from the woods! We are the kind of employer that cares if your children are sick, we would attend your wedding, and we truly care if you are happy in your job because we will do anything within our power to keep you. In a small business, a good employee is certainly not "replaceable."

We frequently brainstorm about the best ways to grow our company and are often paralyzed by the fear of being unable to find quality help. The problem being, margins are tight, and it's expensive to train someone from the ground up but I believe it is an investment we must make. Everybody wants someone who already knows how to do the job. Well, it's not going to happen. I know there are young people who would be interested in this profession if we could give them a chance and actually teach them. Since the beginning of time we have all heard "kids these days....." followed by some rude comment about how they don't do this and they don't do that. I get it. Technology, education, and policy have changed everything, but I still hold the optimism that our youth are teachable if given the appropriate mentor. The future of the forest products industry is in our youth and if we continue to sweep them under the rug as some useless gamers sitting in their parent's basements then they will

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BE exactly what we expect them to be. When I did my mindless scroll through Facebook this morning, I came across something not so useless that made me excited enough to sit down and write this.

Angus King and Jared Golden are introducing a bill to allow 16 and 17 year olds to be allowed to work in the heavy equipment in the woods. Forget virtual reality, that IS reality! Part of the problem as I see it, is that we shelter our youth from all danger. It is much safer to play a game cutting down trees that it is to actually go learn how to cut the tree! We have 2 young boys and a third on the way. They are naturally obsessed with logging. Randy tells me stories of when he was very young and his dad would have to bring him and his brothers to the woods and they would ride in the skidder all day with him, play in the woods, and occupy their own time... often times unsupervised. Can you imagine "Nowadays"? What kind of parents would we be if we put our children in that kind of harm's way?! They must be better off at daycare where they color pictures and make arts and crafts. I think most of us want our children to grow up and be able to actually DO something. Not fear failure. Not fear risk, be it physical, emotional, finan-

cial, or otherwise. We are fortunate to be able to teach our kids to respect the equipment and its dangers. They understand how to stay safe in the woods. My 6 year old recently purchased an old hack saw at the local flea market with his earned \$2 so we can do some logging at home!

My long winded point here, is that not all hope is lost. I think our society is recognizing that faulty policy and over protecting our youth is driving them to uber safe careers, sitting behind a desk and leaves no one behind to do the work. I am inspired by this introduction of the bill by Angus King and Jared Golden because I am hopeful it reflects a paradigm shift in our society to treat children as capable of learning and maintaining their own safety without the need for constant protection from danger. It is time we, as adults, mentor our children again. Let them participate, learn, scrape their knees a bit and then and only then will we improve our work force for the future.

Chrissy Kimball is with Kimball & Sons Logging of Poland, Maine. Kimball & Sons Logging provides Maine landowners with quality timber harvesting. For more information, visit <https://www.kimballandsons.com/>

URGE YOUR REPRESENTATIVES TO SUPPORT THE FUTURE LOGGING CAREERS ACT

This Congress we have a great opportunity to pass the Future Logging Careers Act to allow 16- and 17-year-olds to work in mechanized logging operations under parental supervision. This bill is a part of our efforts to recruit and retain the next generation of loggers. You can help by taking just two minutes of your time to send message in support ([click here](#)).

The Future Logging Careers Act (HR 1785 & S 818) would extend an existing agricultural exemption-- now enjoyed by family farmers and ranchers-- to enable family-owned logging businesses to train their sixteen- and seventeen-year-old sons and daughters in mechanical timber harvesting.

The exemption would ensure that the next generation of mechanical timber harvesters can gain the needed on-the-ground training and experience under the close supervision of their parents who have a vested interest in their children's safety and in passing down the profession to the next generation of timber harvesters. Like farming and ranching, the timber harvesting profession is often a family run business where the practice and techniques of harvesting and transporting forest products from the forest to receiving mills is passed down from one generation to the next. Timber harvesting operations are very similar to family farms with sophisticated and expensive harvesting equipment that requires young family members to learn how to run the business, including equipment operation and maintenance, prior to reaching the age of eighteen.

We thank U.S. Senators Jim Risch (R-ID) and Angus King (I-ME) and U.S. Representatives Jared Golden (D-ME) and Glenn 'GT' Thompson (R-PA) for introducing this important legislation for America's loggers.

SCTPA Comments: *You are urged to contact your U.S. House of Representatives member and SC's two U.S. Senators' offices to urge their support of the Future Logging Careers Act. SCTPA has been in contact with all of our SC U.S. Congressional representatives and have received favorable support during and after our April visits.*

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Support the Future Careers In Logging Act H.R. 1785, S.818



The American Loggers Council (ALC) is a non-profit organization representing professional timber harvesters in 32 states. It is our goal to ensure the health of the industry and in so doing support entrance of youth into this important economic sector of our country, opening up opportunity that is already afforded to farmers and ranchers to professional timber harvesters. Like farming and ranching, the timber harvesting profession is often a family run business where the practice and techniques of harvesting and transporting forest products from the forest to receiving mills is passed down from one generation to the next.

Timber harvesting operations are labor intensive, highly mechanized and technical careers that require on-the-ground training to promote efficiencies and expertise in performing those operations. Today's current mechanical logging machines are enclosed with safety cages that protect the occupant from many of the hazards previously experienced in conventional chain saw harvesting operations. The workman's comp. claims history bears this out – logging in today's enclosed machines is as safe as many other professions where sixteen to eighteen year olds are allowed to work.

In many respects, timber harvesting operations are very similar to family farms with sophisticated and expensive harvesting equipment that requires young men and women to learn how to run the business, including equipment operation and maintenance, prior to obtaining the age of eighteen.

Currently, there are no on-the-ground programs in place to facilitate that training and ensure the sustainability of the timber harvesting industry's next generation of family members who choose to enter the profession.

Other agricultural businesses, including farmers and ranchers, enjoy exemptions to existing child labor laws that permit family members between the ages of sixteen and seventeen to participate in and learn

the operations of the family businesses under the direction and supervision of their parents. However, young men and women under the age of eighteen who are members of families that own and operate timber harvesting companies are denied the opportunity to work and learn the family business because of current child labor laws.

The American Loggers Council (ALC) supports extending the agricultural exemption now enjoyed by family farmers and ranchers to train their sixteen and seventeen year old sons and daughters to carry on the family business to mechanical timber harvesters. The exemption found in H. R. 1785/S.818 that would ensure that the next generation of mechanical timber harvesters can gain the needed on-the-ground training and experience under the close supervision of their parents who have a vested interest in their children's safety and in passing down the profession to the next generation of timber harvesters.



For more information, please contact the American Loggers Council at 409-625-0206.





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AMERICAN LOGGERS COUNCIL (ALC) PROGRAM DETAILS



567



Peterbilt is pleased to offer the American Loggers Council (ALC) the following rebate incentive:

Program Details:

- Members receive a \$2,000 **CASH** rebate on Models 567, 367, or 365.
- Limited to three (3) rebates per member for calendar year 2019.
- ALC members must be in good standing for at least 90 days prior to taking retail delivery.
- ALC members must take retail delivery between **January 1, 2019** and **December 31, 2019**.
Retail delivery is defined as the time the ownership of the truck is transferred from the Peterbilt dealer to the customer.

Other Details:

- Request for customer rebate incentives must be **received by ALC** within 90 days of taking retail delivery.
- Allow 6 to 8 weeks for check to process.
- This program may not be combined with any other rebate offers from Peterbilt.





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Defensive driving

Company investigations (backgrounds, loss prevention, and collision re-construction)

My experience includes 34 years as a state police officer, 15 of these years as a State Transport Police Captain. I'm a licensed private investigator; I conducted background investigations for SCHP and internal investigations for the SCDPS Internal Affairs Division. I'm also trained as a collision re-constructionist. I recently completed the North American Transportation Management Institute (NATMI) classroom training for Certified Director of Safety (CDS) and Certified Safety Supervisor (CSS) on May 11, 2018, full certification is pending.

Richard G. Shell, Jr. (864) 720-4832

Captain, State Transport Police, Retired



THIN THE THREAT

Our national forests have been in a continuous state of declining health for at least two decades. Not only are more wildfires burning federal lands, but they burn hotter, faster, and destroy more acres. There has been heated debate over the cause of these catastrophic wildfires ranging from climate change to poor forest management. Regardless of where you stand on the cause of this issue, action is still required, regardless of cause, to reduce the threat of these type of landscape altering fires which take lives, destroy property and obliterate habitat needed for many of our endangered or imperiled species.

Our members commend Congress for giving new authorities to the U.S. Forest Service which should allow them to increase the pace and scale of forest restoration activities and help to alleviate the threat of catastrophic wildfires as well as put in place a "fix" to stop the practice of "fire borrowing" that should keep funds from forest restoration and management work from being diverted to fire fighting activities during extreme fire years which seem to have become the norm rather than the exception.

However, solving the fire-borrowing problem and authorizing new tools for the federal land management agencies alone is the equivalent of having the prescription but not taking the medicine. The Forest Service and other land management agencies need to be held accountable for utilizing the tools that Congress had given them to expedite forest restoration activities, including those found in the 2016 Farm Bill and more recently the 2018 Omnibus Bill. There needs to be oversight of the agen-

cies to ensure that they are communicating down to the local level the ability to utilize tools such as Designation by Description, Designation by Prescription, Good Neighbor Authority and other options now available to increase the pace and scale of forest restoration work that includes forest thinning that will help to reduce fuel loads, and the risk for insect and disease infestations.

We urge members of Congress to fund the US Forest Service with the adequate dollars necessary to ensure implementation of all authorities while at the same time request a quarterly progress report that will detail the number of projects implemented, the number of acres treated, and the type of project and what authorities were utilized in its implementation.

Collectively, the small, family-owned, independent logging contractors across the United States purchase more volume from the U.S. Forest Service than any of the "multi-national" corporations, and if our members are not purchasing, they are still contracting to cut and haul the timber to wherever the purchasers facilities might be. We stand united and ready to work with Congress to pass meaningful legislation or adopt policies that would hold the federal land management agencies accountable for setting and achieving their targets for forest restoration activities that include timber harvesting.





Caterpillar Signs Agreement to Sell Its Purpose-Built Forestry Business

Caterpillar Inc. announced it has entered into a definitive agreement with Weiler Forestry, Inc. to sell Caterpillar's purpose-built forestry business. The closing is expected to occur in the third quarter of 2019. This agreement follows the preliminary agreement between the two companies, which was previously announced on August 29, 2018.

"We remain committed to supporting our forestry customers and the forestry industry," said Ramin Younessi, Caterpillar Construction Industries Group President. "Caterpillar and our dealers have an established relationship with Weiler that spans many years. The process of developing this binding agreement has further enhanced our confidence in Weiler's ability to deliver purpose-built forestry machines, while Caterpillar continues to offer forestry excavators and other core equipment, allowing the dealers to provide a complete product portfolio and the optimal solution for forestry customers."

The sale of the purpose-built forestry business enables Caterpillar to further align its resources to deliver products that meet customer needs across a broad variety of applications. The company will continue to provide forestry excavators designed for log loading, processing and other forestry applications, in addition to supplying core Caterpillar equipment to the forestry industry.

With this agreement, Weiler will acquire Caterpillar's purpose-built forestry product line consisting of wheel skidders, track feller bunchers, wheel feller bunchers and knuckleboom loaders, and operations facilities in LaGrange, Georgia; Auburn, Alabama; and Smithfield, North Carolina.

Founded in 2000, Weiler currently produces an extensive portfolio of products and has a long-standing history of successfully manufacturing purpose-built equipment distributed through the Cat dealer network. Upon the closing of the sale, Weiler Forestry will design and manufacture purpose-built forestry products, which will continue to be available through the Cat dealer network, providing customers with the same outstanding sales and service support they've come to expect.

"We are very excited to add Weiler-branded purpose-built forestry equipment to our product portfolio," said Pat Weiler, owner and founder of Weiler, Inc. "Since the initial announcement, I've met with numerous Cat dealers and forestry customers. The response has been overwhelmingly positive and provided us with valuable feedback as we make plans to expand the existing forestry product line. We are eager to complete the acquisition and get to work."

Caterpillar and Weiler are working closely with Cat dealers to best support customers during this transition to ensure product availability and support services.



Commentary: Drug Testing Clearinghouse – It's About Time

By Deborah Lockridge, Heavy Duty Trucking,
HDT Trucking Info, May 10, 2019

For most of the nearly 30 years I've been covering trucking, the industry has been trying to get a federal clearinghouse put in place that will help prevent drivers who test positive for illegal drugs at one company from simply going down the road and getting a job at a different fleet.

It looks like the Federal Motor Carrier Safety Administration will finally have one in place in 2020. It's none too soon, as several factors point to the likelihood that there are more drivers out there under the influence of drugs than the official statistics indicate – and that it's getting worse.

The American Trucking Associations has lobbied for a national clearinghouse of positive test results pretty much ever since the federal government started required drug and alcohol testing of commercial truck drivers in the 1990s.

Finally, in late 2016, the FMCSA published a final rule to set up the Commercial Driver's License Drug and Alcohol Clearinghouse, with a compliance date of January 2020.

Why has it taken so long? Other than the overall general slow rulemaking process, my guess is that there has been a sense of complacency. The positive drug test results as tracked by the agency remained around 2% or lower. But those numbers quite likely are higher, and may be on the rise, especially in light of the opioid crisis and increasing numbers of states legalizing marijuana use (which remains illegal for commercial truck drivers.)

Last year, Quest Diagnostics, one of the primary labs used to conduct employment drug and alcohol tests, reported that the transportation and warehousing industry saw a 21% increase in positivity rates between 2015 and 2017. And that was before four semi-synthetic opioids (including hydrocodone) were added to the federally mandated drug-testing panel for safety-sensitive workers in January 2018. Quest said that change has resulted in increases in year-over-year positivity rates for workers covered

by these rules, including truck drivers.

Even more concerning is what fleets are discovering that use hair testing for pre-employment drug tests. Proponents of this testing method argue that hair testing has advantages over urine testing, including a longer detection window, easier collection, and results that are harder to fake. Among those proponents is the Alliance for Driver Safety & Security, an industry-based safety advocacy group for reducing large truck crashes.

One of the requirements for being a fleet member of the Alliance is using hair testing for pre-employment testing of drivers. When these fleets compare their hair-testing results to their urine-testing results, they find approximately nine times more people fail their hair test than the urine test, according to Lane Kidd, managing director of the Alliance.

Yet drivers who fail a hair test at one fleet can simply walk next door to a fleet that only does urine testing and have a far better chance of getting hired.

While hair testing results won't be a part of the drug and alcohol clearinghouse, at least it's a step in the right direction, and FMCSA appears to be making progress in meeting the January 2020 deadline. The agency recently announced a website, <https://clearinghouse.fmcsa.dot.gov>, with information and answers to frequently asked questions.

According to the website, sometime this fall, users will be able to establish an account that will allow access to the clearinghouse once it becomes operational on Jan. 6, 2020. (Although it wouldn't surprise me if the agency asks for a deadline extension.)

Once it's fully operational, whether that's Jan. 6 or another date, use of the clearinghouse will be mandatory to report and query information about driver drug and alcohol program violations.

As with any regulation, there's always the potential for unintended consequences. Carriers are concerned it could slow down hiring time, for instance. But in general, it's a long-overdue move.





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Forest Service Report Reveals \$9 million+ in Payouts to Environmental Groups

Nick Smith, Executive Director of Healthy Forests,
Healthy Communities

The U.S. Forest Service released its budget justification for Fiscal Year 2020 and it includes a lot of information about the agency and its finances. Buried in this voluminous document are details about settlement awards and attorney's fees related to the Equal Access to Justice Act (EAJA), Endangered Species Act (ESA) and amounts paid in settlement for all litigation against the agency.

This report reveals that between 2011-18, environmental groups received over \$9 million in fees and settlement awards, often at the expense of our forests, communities and American taxpayers.

EAJA is a well-intentioned law authorizing the payment of attorney's fees to citizens and groups who successfully sue the federal government. In fact, a primary purpose behind EAJA's passage in 1980 was to allow military veterans with disabilities to pursue claims.

Today the law is utilized by environmental groups to leverage EAJA and "fee shifting provisions" contained within federal environmental regulations. For example, an environmental group can receive money if a judge is convinced the Forest Service didn't complete enough paperwork. Or, a group can receive money if a judge determines the agency didn't adequately consult with the U.S. Fish and Wildlife Service (FWS) over "potential impacts" to wildlife species.

Environmental groups defend receiving this money, claiming they're only holding the agency accountable for breaking the law. Yet oftentimes, these cases are not about whether a Forest Service action is actually damaging to the environment or a vulnerable species. In most cases, these projects are designed to benefit a landscape, improve forest health, enhance habitat for wildlife species and support local communities.

Rather, these cases are about the agency's ability to navigate the complex web of laws and regulations to a judge's satisfaction in a given lawsuit. To further

illustrate the point, here are some examples from the EAJA report itself:

The report cites money disbursed as a result of successful litigation against the Loafer Timber Sale Project in Oregon, which authorized the commercial thinning of approximately 1,400 acres, as well as prescribed burning on the thinned stands and burning on 821 additional acres. The agency designed the project to promote pine species in forested stands, promote the development of old-growth, and help the forest become more resilient to wildfire. It was also designed to enhance wildlife habitat, with the by-product (i.e. wood fiber) providing social-economic benefits to local communities.



The Forest Service completed its required paperwork under the National Environmental Policy Act, and had consulted with FWS regarding potential impacts to the Northern Spotted Owl. The FWS subsequently issued a biological opinion determining that, although the project "was likely to adversely affect the [Northern Spotted Owl], it was not anticipated to jeopardize the species or its critical habitat."

Unfortunately, the litigant group convinced the judge the Forest Service didn't do enough paperwork, bringing the project to a halt. The judge also cited an environmental group's political proposal for a massive expansion of wilderness, even though no member of Congress has chosen to introduce legislation supporting it.

The report also cites over \$77,000 in attorney's fees from successful 2018 litigation against Stonewall Vegetation Project in Montana. In the face of significant forest health concerns on the Lewis and Clark National Forest, the project was initially proposed as far back as 2010. The Forest Service recognized that action was needed to respond to mountain pine beetle outbreaks, and the forest should be managed to maintain and improve viable mature habitat structure to support big game and other wildlife.

The agency determined that treatments on unnaturally overgrown stands would promote resiliency with a mosaic of species, reduce fire hazard and potential, and provide timber products to support Western Montana jobs. All of these proposed actions were supported by science. Further the Stonewall project included recommendations from the collabo-

(Continued on page 22)

(Continued from page 21)

rative Lincoln Restoration Committee, consisting of local government officials, conservationists and timber industry representatives. The collaborative agreed to a combination of logging and prescribed burning to accomplish the goals of the project.

Two environmental groups did not participate in the collaboration. Instead, they sued the Forest Service claiming that the forest management activities and road densities would endanger Canada lynx and grizzly bears under the ESA, even though the proposed action had been found to comply with the ESA by the Fish and Wildlife Service. As the Stonewall Vegetation Project ground to halt, portions of the project area would later burn in the Park Creek and Arrasta Fires.

Over the years the U.S. Forest Service has spent millions of dollars and countless hours of staff time defending itself against litigation, and then spending millions more when they lose in court. Meanwhile, over half the agency's budget is spent suppressing wildfires on unnaturally-overgrown and fire-prone forests. Over 80 million acres of National Forest System land is at immediate risk of catastrophic wildfire, yet due to agency analysis paralysis, the real and perceived threat of litigation, and chronic budget and personnel shortfalls, the agency is only able to treat a fraction of these acres every year. Something is very wrong here, and only the U.S. Congress can fix this mess.

CONGRESS INTRODUCES BIPARTISAN 'SAFE ROUTES' LEGISLATION FOR LOG TRUCKS

H.R. 2453 allows log trucks to utilize federal interstates for short-haul trips.

May 2, 2019, Hemphill, TX—
The American Loggers Council (ALC) today applauded the introduction of the bipartisan



Safe Routes Act of 2019 (H.R. 2453) allowing log trucks to utilize federal interstates for short-haul trips. The legislation was announced today by U.S. Representative Mike Gallagher (R-WI); other original sponsors include U.S. Representatives Sanford Bishop (D-GA), Joe Courtney (D-CT), Jared Golden (D-ME) and Jim Sensenbrenner (R-WI).

The ALC along with its partners have advocated "Safe Routes" legislation to allow the industry's trucks to haul state legal weight tolerances on the Federal Interstate Highway System, which often provide safer routes to mills. Due to inconsistent truck weights in many regions throughout the country, trucks hauling logs to mills are often forced to use city, county and state roads, where more than 96 percent of log truck collisions occurred, according to a study.

"Preventing fatal log truck collisions is a high priority in our industry and our communities," said ALC

Executive Vice President Daniel Dructor. "One proven solution is to give log trucks the option of using federal interstates on short hauls, where they can be routed away from schools, crosswalks, city intersections, railroad tracks, and other challenges. A few individual states have received exemptions that lifted federal truck weight limits on interstates, and in each case it resulted in fewer collisions, reduced driver fatigue and improved equipment safety."

Dructor says improving log truck safety will help in the recruitment of new operators to replace an aging workforce, and with few insurance carriers willing to write policies for log trucks, the Safe Routes Act may help reduce those costs as well. The legislation only applies to short hauls typically within a 150-mile radius, and does not apply to long hauls.

"The ALC would like to thank the Democratic and Republican members who are supporting this bill as original co-sponsors, including Congressman Mike Gallagher for being its first champion in the 116th Congress," Dructor said. "We also thank our partners, including the Forest Resources Association, and our members for educating their federal representatives and staff on this important safety issue. We'll continue to work across the aisle, in the both the House and Senate, until this safety solution reaches the president's desk."

CONTACT: Daniel Dructor, 409-625-0206, americanlogger@aol.com

Meeting Growing Wood Demand with Limited Trucking Capacity

By Dr. Shawn Baker, Forisk
Consulting

This post is the fourth in a
series related to the
Q2 2019 Forisk Research
Quarterly



Forisk forecasts an additional 3 BBFT of sawmill capacity in the South over the next three years. If trucking is strained, how do we move an additional 13 million tons per year? One load at a time, of course. However, the idea of hiring 800 more truck drivers seems daunting in the current labor market. So, can the industry better utilize the drivers we currently have to meet the demand?

Regionally, if each truck picks up two more loads per month, we're there (See Figure). Unfortunately, sawmill expansions are not evenly distributed across the South. They are tied to specific locations. If they locate in wood basins with trucking capacity constraints, incremental improvements in utilization will fail to solve the problem.

If we operated in a fixed world, where every truck is either loaded or on its way to reload, then the wood supply system is strung tight. In reality, the wood supply chain is not great at trucking. Production swings wildly because of weather, breakdowns, quotas, etc. At times, we could operate with 5,000 fewer drivers, at other times 5,000 more would be insufficient. Today, there is a logger somewhere sitting idle, unable to haul. Ideally, they would make up lost production when conditions improve. The challenge of constrained trucking capacity is there is no ability to "surge" in production to make up for lost days.

Figure: Example Impact of Improved Efficiency in Hauling

Current annual harvest ~ 300 million tons

• Production days	250
• Average loads delivered per day (1)	2.2
• Drivers needed	19,500

Increasing Harvest 10% - Additional 30 million tons

Production Days	250
Required loads/day with no new drivers	2.4
Required drivers at current loads/day	21,400

(1) Average production of southern log truck driver from Baker et al. 2016

Trucking cannot be viewed as a necessary evil, and solutions are no longer simple. Asking drivers to add hours to supplement lost trucking capacity is not a solution. Hauling inefficiency (in woodyards and in-the-woods) remains common. Inefficiencies cost the entire supply chain. A logger or mill who takes 20 minutes longer than average to turn trucks adds an

hour a day to every truck. If drivers average 2.2 loads and 11 working hours per day, that extra hour costs 0.2 loads per day or a

In reality, the wood supply chain is not great at trucking.

load a week. The Figure above demonstrates that such an impact can amount to 30 million tons of additional wood if applied to every driver. That would feed a lot of sawmills.

The wood supply chain must consider multifaceted solutions to the problem. There is no silver bullet.

1. Take care of current drivers. By far, the first step is to retain the capacity we have. Truck drivers currently have other options. Salaries, benefits and quality of life are all areas that affect decisions to leave a current job.
2. Ruthlessly evaluate your operations. Inefficiency multiplies throughout our system. When trucking is the bottleneck, any negative impacts to trucks affect cost and productivity of all links in the supply chain.
3. Hire whenever possible. In the current job environment, there are not a lot of qualified, quality employees sitting at home. Always be open to opportunities, wherever you hear about them.



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Rep. Gallagher Introduces Safe Routes Act of 2019

Press Release: 5/2/2019

Contact: Jordan Dunn

WASHINGTON, D.C. – Congressman Mike Gallagher (WI-08) yesterday introduced H.R. 2453, the Safe Routes Act of 2019, alongside Reps. Sanford Bishop (GA-02), Joe Courtney (CT-02), Jared Golden (ME-02) and Jim Sensenbrenner (WI-05). The Safe Routes Act would allow logging trucks that meet state-determined legal requirements to travel up to 150 air miles on the Federal Interstate Highway System, which a pilot program has shown to greatly reduce both fatal accidents and fossil fuel usage by trucks.

"By allowing logging trucks to use federal highways, the Safe Routes Act of 2019 would not only reduce carbon emissions, but improve the safety of our roads," said Rep. Gallagher. "This bill is a win-win, and I look forward to working with my colleagues to pass this common-sense legislation."

Statements of Support:

"The Safe Routes Act will allow log trucks to access the safer Interstate Highway System for a short distance at legal state vehicle weights and configurations. Nearly 30 states with viable logging sectors will realize the safety benefits of this legislation," said Deb Hawkinson, President of the Forest Resources Association. "The Wisconsin logging community and forest products industry across the nation will realize the safety and environmental benefits from this legislation immediately when passed and signed into law."

"On behalf of the members of the American Loggers Council, representing 36 states across the US with commercial timber harvesting and hauling activities, we would like to thank Congressman Gallagher for championing this effort to allow us to haul our already state legal weight limits for unrefined forest products along safer routes when access to the Federal Interstate Highway system is available. This will not only save lives in rural communities where we have been forced to travel due

to differences between state and federal regulations, but will help us to ensure the safety of our drivers and log truckers as well. We applaud this bipartisan effort to make our routes safer for all of the motoring public," said Chris Potts, President of the American Loggers Council.

"The Safe Routes Act of 2019 is very simplistic legislation which will have an enormous, positive impact on safety for both pedestrians and truckers nationwide," stated Bruce Enstrom, President of the Great Lakes Timber Professionals Association. "The Safe Routes Act of 2019 is straight forward legislation designed to give truckers a choice of routes by allowing state legal, short haul, commodity specific log trucks, access to the interstate highway system, avoiding populated areas where pedestrian activities are ongoing all hours of the day. We're very grateful Congressman Gallagher recognized these safety concerns and took action by introducing this legislation."

According to a 2018 Virginia Tech study, 96% of logging truck collisions occurred on city, county, or state roads where they encounter school zones, cross walks, intersections, stop signs, oncoming traffic, and railroad crossings. A 2018 University of Georgia study found that 41% of logging truck collisions occurred within only 5 miles of the Interstate. The Safe Routes Act of 2019 would allow logging trucks to travel on the federal interstate for 150 air miles – enough to get them from the harvest site to the mill so that they stay off of backroads. The Safe Routes Act mirrors findings from a pilot program in 2009 authorized by Congress in Maine. The results of the pilot program showed that truck crashes decreased by 25%, fatalities decreased by 37%, and 10 fewer gallons of diesel fuel was used on average by trucks. The Safe Routes Act would reduce trucking fatalities and reduce carbon emissions.

SCTPA Comments: *You are urged to contact your SC U.S. House of Representatives member and urge their support of this much needed bill to improve unmanufactured forest products trucking and improve and increase the safety of the motoring public and our industry's drivers.*



Preventing Backing Accidents

In recent years, we had a fatality occur that involved a vehicle that backed up and ran over an employee. We took actions to increase awareness of employees working on the ground due to the increased volume of vehicles at a work site. We have heard of some recent injuries that other companies had so we want to take time to remind everyone that employees must be kept aware of the hazards with vehicles and equipment backing up at your jobsites.



Can you think of a few backing incidents that have happened on the job? Maybe a fender, headlight, bumper, tailgate, etc. was damaged. Have you heard the story of a parent or grandparent that backed out of their driveway and backed over their child riding a tricycle. No matter the location, improper backing is a problem! According to the National Safety Council, 1 out of 4 vehicle accident is due to poor backing techniques. These accidents account for 500 fatalities and 15,000 injuries per year. However, it is believed that the actual numbers are likely 4 times higher due to those incidents that are never reported because they do not involve an injury or fatality.

What employees must know (General rules) and follow:

- **Avoid backing if possible.** If backing is necessary position the vehicle in the direction you need to go when you leave the location – in other words - **BACK FIRST**.
- **Adjust your mirrors.** If another driver has moved them, the worst time to discover it is in the middle of backing a vehicle.
- **Always use a spotter when backing.** A spotter should always be in the view of driver.
- **Blow Horn.** Blow horn whenever you start to back and continue to tap on the horn every 10 feet of backing travel.
- **If installed, all back up alarms must be operational.** A defective back alarm should be called to attention for immediate repair.
- **Size up the situation before backing.** Walk around the vehicle to examine the area and look for hazardous situations. When in doubt, get out and look.
- **Check the surface.** Note depressions, bumps, obstacles and any persons who might come into the line of travel.
- **Check top clearances.** Note how wide the vehicle is in relationship to the size of the space being backed into.
- **Analyze the situation.** After analyzing the situation, begin the backing maneuver immediately before the situation has a chance to change.
- **Do not gun it when you back out.** Go slow and constantly scan your mirrors and look around as you back out.



USE good backing HABITS!

A reminder to BACK IN FIRST, USE A SPOTTER, DO A WALK AROUND and SLOWLY BACK OUT. These can help you prevent an injury or fatality at your job site. Be safe!



Wood Energy

The American Loggers Council (ALC) is a non-profit organization representing professional timber harvesters in 32 states across the country. Our members responsibly harvest forest products from all of our nation's forests, including both private and public lands. In 2002, the ALC also became the program administrator for the Master Logger Certification program, the world's first and only third party certification program for loggers.

Wood derived energy is a critical source of renewable, baseload, dispatchable electricity and heat across the country and an important component of an affordable, diverse renewable energy portfolio that serves as an end-market for low-grade forest material and mill residue and supports thousands of jobs in the most rural areas of the country.

The members of the ALC support the recognition of wood from responsibly managed forests as a carbon beneficial fuel for the following reasons:

1. Utilize the forests' energy and climate benefits to displace traditional fossil fuel.

- ALC views forests as a strategic renewable natural resource and supports diverse and robust markets for the full spectrum of woody materials to allow landowners and foresters to practice responsible forestry while providing new economic opportunities and rural jobs for professional timber harvesters utilizing previously unused, unmerchantable material.
- Intensive forest management can improve growth rates and productivity of forest stands resulting in increased forest regeneration and greater ability of forests to sequester carbon.

2. Promotes economic growth and acts as a stimulus to rural economics

- Wood derived energy creates local, rural employment. As a rule of thumb, each megawatt of wood fueled electricity supports ap-

proximately five full-time jobs: one direct job in the power generation facility and four indirect jobs in surrounding forests and communities.

- Diversification of new markets for low value wood provides new income sources for family owned forests and mills, providing a sustainable revenue source and incentive for forest management.
- Creates new industry and an economic opportunity for rural communities to create and maintain family wage jobs economic diversification.
- Utilizes existing sustainable resources to create energy (heat and power) in a distributed generation model, avoiding extensive capital investments. growth and acts as a stimulus to rural economies

3. Wood utilization reduces greenhouse gases and improves forests

- Wood energy facilities make use of abundant, indigenous local fuel supply and provide a valuable outlet for waste wood streams from forest products industries such as sawmills and pulp mills. When low-grade waste wood is removed from forests as part of a responsible harvest plan, forest health is enhanced. This low-value forest waste would otherwise inhibit new growth in the forests, decompose on the forest floor and release methane, create forest fire risk, and obstruct future harvesting practices.
- As organic waste decomposes it slowly emits methane gas and carbon dioxide. The utilization of low value wood turns waste into fuel that generates energy. During the generation process, the methane gas is eliminated, and carbon dioxide emissions are greatly reduced.
- Wood energy reduces greenhouse gases. In fact, the use of wood for energy generation removes over 30 million tons of carbon dioxide annually. It accomplishes this remarkable feat both by replacing fossil fuels, eliminating the introduction of non-naturally occurring carbon and by preventing the release of greenhouse gases from organic waste that

(Continued on page 30)

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(Continued from page 28)

would otherwise decompose in the open.

- Burning fossil fuels only adds carbon dioxide to the atmosphere that was already sequestered deep in the earth.

The ALC commends Congress on addressing the immense challenge of reducing the nation's dependence on fossil fuels. All renewable resources will be needed to meet the country's energy needs. Forests have a key advantage given their ability to produce energy independent of weather conditions that other renewable sources are subject to.

We are committed to help craft a definition for wood energy that addresses concerns related to forests in a way that draws upon the existing forest harvesting practices – and making the changes where needed - to meet local forest conditions. Specifically, the ALC recommends Congress to take the following actions:

1. The EPA should continue working with other federal agencies to ensure that wood energy is recognized as carbon beneficial on a consistent basis to ensure regulatory stability;
2. The EPA should amend the rules pertaining to the Renewable Fuel Standard to allow for a

more pervasive definition of wood that qualifies for the standard. Currently, sawmill residues that come from non-plantations do not qualify for RFS treatment.

3. Existing tax law provides little benefit for the utilization of wood for energy. Existing law creates an unlevel playing field (wind and solar) that can only be corrected by repealing existing tax credits (unlikely) or providing an equal benefit (possible). For example, Congress should extend and make refundable the tax benefits provided for other renewable technologies, i.e. the BTU Act (S. 628 and H.R.1479);
4. Create policy that treats wood equally for wood energy purposes whether harvested from Public or Private lands.
5. Fully fund the Community Wood Energy Program (that was authorized in the 2018 Farm bill) in the FY20 Interior, Environment and Related Agencies Appropriations bill.



Timber Talk

*Your Voice for South Carolina
Timber Harvesting*

Contact Crad Jaynes at
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TREEFARMER

C6D & C7F

SCTPA's information folder cover letter presented to SC U.S. House and Senate Members at the Washington, DC meetings. Letter was personalized for each member.

April 4, 2019

The Honorable Tim Scott
U.S. Senate
104 Hart House Office Building
Washington, DC



Dear Senator Scott,

On behalf of the professionals harvesting, producing and transporting South Carolina's sustainable and renewable forest resources, we appreciate your service to the Palmetto State in Washington, DC.

South Carolina's forest products industry ranks as the Number One manufacturing segment of our state's economy with an economic impact of \$21 billion annually. Timber is our state's Number One cash crop. Forest products exports are exceeding \$1 billion annually from the Charleston port.

Our overall forest industry ranks first in employment including our professional timber harvesting, supplying and trucking businesses with an overall payroll over \$2 billion and over 90,000 employed workers.

Our nation and state's forest products industries compete in the global marketplace. Our economies of scale within our own segment of professional timber harvesting, supplying and trucking have witnessed changes in our markets. The economic upturn has been helpful to timber harvesting businesses and our rural communities supported by the forestry industry.

Yet there are challenges threatening our timber harvesting segment such as the availability of auto liability insurance for unmanufactured forest products trucks and the extremely high costs for this coverage even for good operators with favorable accident histories and safe drivers. Coupled with the insurance crisis is the shortage of safe, qualified drivers to operate timber hauling units.

As our pulp and paper and even solid wood products industries continue to improve, the forest products industry, timber harvesters and timber suppliers face challenges to meet the demand for timber to manufacture products.

The challenges faced now not only impact the timber harvesting and wood supply segments, but also impact solid wood products, pulp and paper products manufacturing and timberland owners.

Alternative markets for the utilization of wood and woody biomass for the production of renewable energy, wood pellets and bio-fuels and other bio-related products has increased. These markets are needed and would improve availability of wood markets.

These alternative markets not only help the timber supply and timber harvesting segments, but also helps forest landowners and rural communities for economic enhancement via jobs, local boost to their economy and overall contributions to our state and nation's economy.

As our nation attempts to reduce our dependence on foreign oil resources, we see an opportunity for our industry to continue to have markets for harvested timber as well as woody biomass from harvesting residuals and even non-merchantable roundwood. We have the available resources from our sustainable and renewable forests. But additional support from Washington, DC is needed to help spur these markets.

Technology is becoming available to utilize woody biomass for the processes to convert woody material to various products. These processes are environmentally safe, efficient, "green in nature," improve our air and climate, sequester carbon, create jobs and are good for the utilization of our sustainable and renewable forest resources.

However, much is needed via support for increased funding from Washington to increase the incentives for current and potential users of woody biomass to create these alternative markets in South Carolina.

Congressman, there are **two main issues we are seeking your support for** and need your assistance. These issues are imperative to enhancing the timber harvesting and forest products industry in South Carolina as well as nationally. The issues are:

- **Support the Safe Routes Save Lives Initiative.** This was introduced in the 113th Congress as the “Right to Haul Act of 2014, H.R. 5201” to allow State Legal Gross Vehicle Weights for Agricultural Commodity Loads including Unmanufactured Forest Products to be trucked on the Interstate Systems **WITHIN** each state to improve highway safety, transportation logistics, reduce costs, improve motorists and truckers safety and reduce truck loads on rural and state highways by amending the United States Code, Title 23.

Senator Scott... we need your support on this matter. This is a simple solution to save lives of our log truck drivers as well as the motoring public that does not understand how to share the road with commercial trucks, who are distracted while driving because of the use of hand held devices and also assisting to reduce the wear on our state and rural roads. PLEASE... lend your support to this initiative.

American Loggers Council Position Paper Included.

- **Support the Future Careers in Logging Act, H.R 1785 & S 818.** These bills have been introduced and are VERY important to the sustainability of the professional timber harvesting industry, both in South Carolina and nationwide. For the most part, logging businesses are generational businesses much like farmers, ranchers and other rural resource providers. Our industry is “getting older” and our industry needs more youth to be able to learn the business and its operations from the ground up. Youth exemptions currently exist for the agricultural segment. These bills will greatly enhance the ability of professional logging businesses to teach and train their sons and daughters of ages 16 and 17 to learn to carry on the family’s logging business.

Senator Scott... we need your support for the Senate bill as a sponsor or co-sponsor. We ask your support of the Senate bill and your vote to pass the Senate bill to further sustain the professional timber harvesting industry in South Carolina and the nation.

American Loggers Council Position Paper Included.

- **Support increased funding for road and bridge improvements to better serve our wood supply chain and businesses nationwide.** Our infrastructure is in dire need of improvements to allow for more efficiencies in transportation logistics.
- Support legislation to reduce the tax and regulatory burdens placed on small businesses to help stimulate continued economic growth, help create jobs and enhance small businesses to contribute to local economies.

On behalf of South Carolina’s professional loggers, timber producers and unmanufactured forest products truckers, please support legislation to sustain our healthy forests and businesses to continue to provide the benefits of our sustainable and renewal forests.

Our wood supply chain consisting of landowners, loggers, wood dealers and wood consumers need a viable industry to sustain and create jobs, improve economies, create emerging industries, compete in the global marketplace and sustain our healthy, sustainable and renewable forest resources.

Again, thank you for your service and support of our state and nation’s professional timber harvesting and forest products industries.

Sincerely,

Crad Jaynes
SCTPA President & CEO
Lexington, SC

Josh Key
Beech Island Timber & Construction, Inc.
Jackson, SC

Joseph “Bo Bo” Seckinger
Seckinger Forest Products, Inc.
Hampton, SC

John Key
Beech Island Timber & Construction, Inc.
Jackson, SC

Danny McKittrick
McKittrick Timber, LLC
Heath Springs, SC

Robert “Bob” Lussier
Great Woods Companies, LLC
Bennettsville, SC



Safe Routes Save Lives

Unrefined forest products including logs pulpwood and wood chips are forest commodities that are harvested in mostly rural areas of the United States. As such, the American Loggers Council is seeking pro-active legislation whereby safety for rural and urban citizens is enhanced simply by rerouting state legal trucks from rural roads to the interstate system. Saving lives and extending the longevity of rural infrastructure are top priorities for the American Loggers Council and its 35 states membership.

Several safety exemptions diverting state legal trucks to the interstate have already been enacted with great success. Examples include exemptions in Wisconsin, Minnesota, Maine and Texas, and Louisiana. These congressional exemptions have been overwhelmingly supported by State DOT's, local counties and towns and short distance trucking companies utilizing state approved haul weights. The primary benefit of this exemption would be to:

Greatly enhance public safety in urban and rural areas: Safer routes can save lives!

Based on **safety** considerations, the American Loggers Council (ALC) is proposing an additional exemption for loads of unrefined forest products that meet state-legal weight tolerances. The exemption is expected to result in a shift of a substantial amount of existing trip mileage from two-lane secondary roads and highways to the Interstate System improving safety for the motoring public, including the trucks themselves.

This proposal would also “fix” the issue with the addition of “newly” designated federal interstate highways having to receive piecemeal exemptions based on existing State weight tolerances.

This action will not be in direct competition with freight moved by rail as it will only pertain to those unrefined forest commodities moving from the forests on to the Federal Interstate Highway System considered to be short haul (less than 150 air mile radius) to the point of processing to a finished product.

Language amending Title 23, United States Code, with respect to vehicle weight limitations for certain logging vehicles by adding the following final paragraph:

“(v) Certain Logging Vehicles. –

“(1) IN GENERAL. – The Secretary shall waive, with respect to a covered logging vehicle, the application of any vehicle weight limit established under this section.

(2) COVERED LOGGING VEHICLE DEFINED.-

In this subsection, the term ‘covered logging vehicle’ means a vehicle that-

(A) is transporting raw or unfinished forest products including logs, pulpwood, biomass, or wood chips;

(B) is traveling a distance not greater than 150 miles on the Interstate from origin to final product delivery destination; and

(C) meets State legal weight tolerances within the States boundaries in which the vehicle is operating.

(3) APPLICATION OF WEIGHT TOLERANCES.-

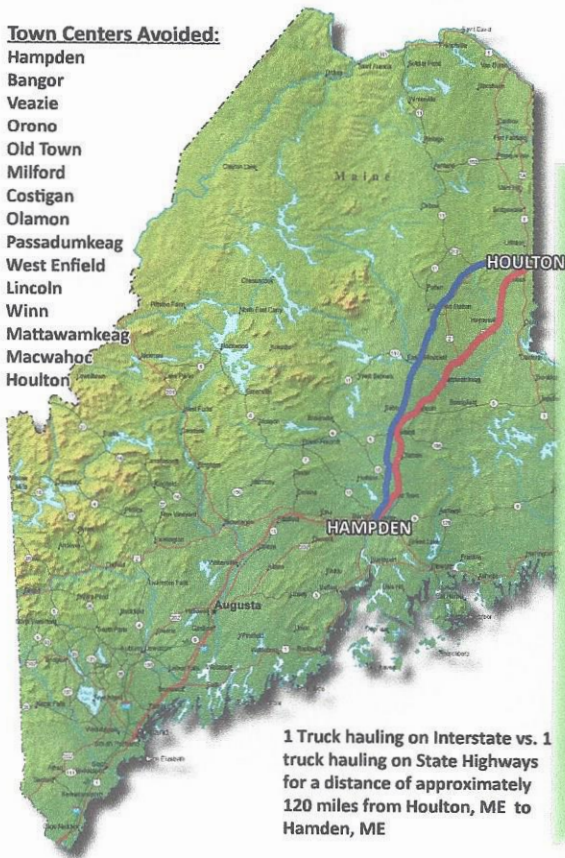
The waiver in this subsection shall only apply with respect to a State legal weight tolerance in effect on the date of enactment of this subsection.”

For assistance regarding this proposal, please contact Danny Dructor, American Loggers Council, (409) 625-0206.

FEDERAL INTERSTATE SAFE ROUTE PILOT PROJECT

Town Centers Avoided:

Hampden
Bangor
Veazie
Orono
Old Town
Milford
Costigan
Olamon
Passadumkeag
West Enfield
Lincoln
Winn
Mattawamkeag
Macwahoc
Houlton



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Case Study Results

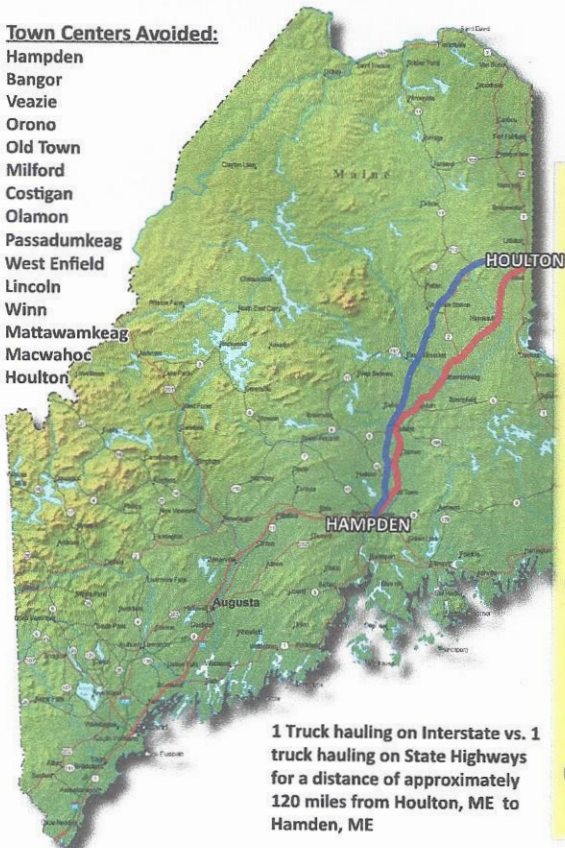
Real World Example of Freight Trip from Hampden to Houlton

	Secondary Roads	Interstate
School Buses Met:		
10		
Hospitals:		
4		
Traffic Lights:		
30		
School Crossings:		
9		
Railroad Tracks:		
4		
Crosswalks:		
86		

FEDERAL INTERSTATE SAFE ROUTE PILOT PROJECT

Town Centers Avoided:

Hampden
Bangor
Veazie
Orono
Old Town
Milford
Costigan
Olamon
Passadumkeag
West Enfield
Lincoln
Winn
Mattawamkeag
Macwahoc
Houlton



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SUPPORTED BY:
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Case Study Results

Real World Example of Freight Trip from Hampden to Houlton

	Secondary Roads	Interstate
SAFETY	Number of Oncoming Vehicles Met: 644 SIGNIFICANTLY REDUCES INTERACTIONS	
SAFETY	Number of Times Driver Shifts: 192 REDUCES OVERALL DRIVER FATIGUE	3
SAFETY	Number of Times Driver Applied Brakes: 68 IMPROVES EQUIPMENT SAFETY	1



GREAT WOODS COMPANIES, LLC: A SERIES FEATURING AMERICAN LOGGERS
COUNCIL MASTER LOGGER CERTIFIED COMPANIES

"I see Master Logger Certification as beneficial to future generations by making the wood supply chain a more transparent and professional industry. "

-Bob Lussier, owner Great Woods Companies, LLC
Bennettsville, South Carolina

Bob Lussier has been a logger for over 36 years, but it was an inspired leap of faith in 2009 that brought this born and bred New England 'Yankee' and his Great Woods Companies LLC to Bennettsville, South Carolina. Bob grew up in Rhode Island and Connecticut with a love of the outdoors and a strong work ethic. He formed Bob's Firewood and Logging, Inc in 1983 and began his logging career selling firewood to homeowners. His early days saw a steady increase in machinery, and by 1994 his company was one of the first mechanized businesses in the region. With a full crew of operators and a growing reputation for high quality work across Southern New England, he established Great Woods Companies LLC in 2000.



Over the years, Bob weathered ups and downs, but it was a combination of the slow and steady increase in urbanization across RI, CT and southern MA, as well as the realities of the economic downturn in 2009 that got him to consider moving his company, family, and two employees to South Carolina. It was during a turkey hunting trip with a Tidewater Equipment Company Tigercat salesman when the idea first started developing. He remembers he and his wife, Cindy, deciding they would look at the plan as only a '6 month experiment', and if it didn't work out, they would come back. "To look back, it was downright scary. But it couldn't have worked out better. It has been my biggest success and I haven't looked back".

One big difference between the Northeast and the Southeast is the way in which logging companies do business. Often in the south, timber harvesting contractors work with a "timber dealer" to procure contracts. Bob has broken that mold by working to establish Great Woods' own 'dealerships', directly purchasing timber for the company. Currently, this is about 50% private land-owner negotiated, slightly under 50% from consulting foresters, and a small percentage of state controlled timber. Structuring his business in this way, and an absolute commitment to doing the best job possible, has paid off. Over the last three years, Great Woods has grown to having two full crews comprising 16 full time employees and a large and diversified fleet of equipment. Their office and shop are located in Bennettsville, and work generally happens within a 50 mile radius. "One of the things that makes me feel really good is when I hear though the grape vine that someone else is telling their crew they want the job to look like 'like a Great Woods job'. I've brought a different style of work here and people have taken notice of it. I hear it from the guys coming in behind us - the site prep crews, or tree planters. They say they love our jobsites because of how carefully we clean up and leave the site. It is really humbling to hear things like that from your peers".

Most days find Bob buying timber and managing—one crew primarily focuses on first thinnings, and one on clear cuts-- while Cindy runs the office including payroll and accounting, safety program and the vast majority of part supplies. "Good organization and good maintenance keep production rolling." Bob marvels that Cindy, a graphic artist by trade, has embraced the timber harvesting industry as her own and has modernized the office procedures. Great Woods Companies LLC provides its employees with strong wages and benefits, including health insurance, paid holidays and vacation time. "While finding quality employees is a challenge, we're looking for somebody that wants a career. I treat employees the way I wanted to be treated". This also goes for the land where they work. "I stress with everyone on my crew, whether they are new or have worked for me for 10 years, -- treat every job as if it was your own land. Utilize the timber that way, clean it up that way, treat it with respect. It's up to us to be good stewards of the land and to pass it to the next generation better than we got it".



And speaking of the next generation, Bob and Cindy are excited that their youngest son, John, is working with Great Woods as an equipment operator and increasing his responsibilities within the company. "I did get to run log loader one day last week", laughs Bob. "John and his wife are expecting a baby in April, and had to go to doctor's appointment. I sometimes forget how much I love being in the equipment. I don't get to do that very often!"

Bob said if he could go back in time and offer some words of wisdom to his younger self, it would be to "work hard to be open minded and be willing to try new things. Even after all these years, I'm learning new things all the time". Bob's other advice is about the importance of finding a balance between growing your business and family time. "It's very, very difficult. You need to work and you're working to give your family a good life, but you gotta remember, you can't replace time".

He said it's gratifying to see John, and other young people developing a love for the industry and growing in their skills and decision making. "I really look forward to helping people in our industry. I am trying to make it better for the next generation and trying to attract younger people to our industry". Bob speaks highly of Apprenticeship Carolina, a program working to promote trades as a career path. "The work American Logger's Council and South Carolina Timber Producers Association are doing to get more youth involved in our industry is so important. The aging workforce is one challenge we face. Trucking is another. We really need to band together, to work together to attract the next generation. There are excellent careers possible with good pay. We need to promote what is out there."



Bob's success has not gone unnoticed. He was surprised and excited to receive the 2016 Forestry Association of South Carolina Outstanding Logger of the Year, then in 2017, The Gene Collins Logger Activist of The Year from the South Carolina Timber Producers Association (SCTPA), and accepted a nomination to serve of the board of SCTPA. He made it clear he could never have accomplished these achievements without the help and support from Cindy, long time employee Terry, his Blanchard Caterpillar salesman Denny Campbell and Tigercat salesman Lee Hope ("my other right hands", he jokes). "To have your peers recognize you and tell you you've done something right, is, well, I've been blessed, really". Bob also credits his Dad, Robert Lussier Sr., with instilling guiding principles of love of the outdoors, stewardship of the land and natural resources, and an unshakable work ethic. "I'm exactly the same person professionally as I am personally. First and foremost, I'm a conservationist. I learned that from my dad." Bob's dad passed away in 2011, and while said he knows his dad was proud of his achievements then, he would be thrilled to see how his family and business have grown over the last several years.

Bob is enjoying working more directly with the American Logger's Council and its Master Logger Certification committee and is excited implement the program in his adopted home state. Bob is on track to have Great Woods Companies LLC be one of the first in South Carolina to go through the rigorous process. "I have a love of this industry. I believe it's about time we start getting the proper recognition and remuneration for what we do every day. Right now, it's the wood consuming mills and not the logger that gets credit. I have seen time and time again how a properly managed timber harvest is a benefit to the land and wildlife. We need more people to see what we do and how we do it. I want to bridge that gap - I'm really excited about it".



One reason he believes the Master Logger Certification program is important and will be successful is because it promotes transparency in the timber harvesting industry. "This will give both landowners and wood consuming mills an option to source their timber from. They will know there is documentation, that their fiber and timber is harvested in a responsible way." Bob envisions support for Master Logger Certification from insurance companies, equipment dealers and other industry sponsors. "I really see this movement as benefitting, hopefully, all loggers. We are focusing on safety, quality and integrity. We're working towards increasing professionalism, safety, and environmental standards. We are setting ourselves apart and working to be at the top of our profession. I believe this will pay off with (financial) incentives in the future".



Bob sees Master Logger Certification as one way loggers themselves can become proactive about the direction of the industry and their key role within it. “I see Master Logger Certification as beneficial for future generations by making the wood supply chain a more transparent and professional industry. As loggers, we’ve kind of been hidden. We need to get caught up. We need to stop just letting things happen and then reacting when policies and regulations don’t work. We need to stand up. Get more comfortable speaking out and talking to peers. We need to come to common ground and become proactive”.

“I really see this as a culture shift in our industry. I have put my heart and soul into my own business and Master Logger Certification is a way I can lead by example within the industry”. Bob sees the growth of ALC’s Master Logger Certification programs around the country as a way for the loggers themselves to become better recognized as professionals and clearly demonstrate their commitment to their key role in the wood products industry. “That’s why I’m so supportive of the Master Logger Certification program and proud of my position on the committee. Between this, and my board position with South Carolina Timber Producers Association, I hope to, and look forward to, helping my chosen profession become recognized as responsible stewards of our great land”.



Timber Talk
*Your Voice for South Carolina
Timber Harvesting*
Contact Crad Jaynes at
1-800-371-2240 or bcjpaw@windstream.net

TEAM SAFE TRUCKING UPDATE

By Miranda Gowell
April 2019

WHAT'S NEW THIS MONTH - SECURING OUR FUTURE

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION ANNOUNCES CLEARINGHOUSE

The Clearinghouse is a secure online database that will give employers, FMCSA, State Driver Licensing Agencies, and State law enforcement personnel real-time access to important information about CDL driver drug and alcohol program violations, thereby enhancing safety on our Nation's roadways. An act of Congress directed the Secretary of Transportation to establish the Clearinghouse.

WHAT INFORMATION DOES THE CLEARINGHOUSE CONTAIN?

The Clearinghouse contains information about drivers with commercial driver's licenses (CDL drivers) who are covered by FMCSA's drug and alcohol program. This also includes drivers with commercial learner's permits (CLPs).

WHEN MUST YOU USE THE CLEARINGHOUSE?

JANUARY 6, 2020: Authorized users will be required to complete the actions described in the Clearinghouse final rule. At this time, employers will be required to conduct both electronic queries and traditional manual inquiries with previous employers to meet the three-year time-frame, required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories. Drivers may also view their own records for information recorded on or after January 6, 2020.

JANUARY 6, 2023: Once three years of

violation data are stored in the Clearinghouse, employers are no longer required to also request information from the driver's previous FMCSA-regulated employers under 391.23(e); an employer's query of the Clearinghouse will satisfy that requirement.

HOW WILL THE CLEARINGHOUSE IMPROVE HIGHWAY SAFETY?

Make it easier for employers to meet their preemployment investigation and reporting obligations. Make it more difficult for drivers to conceal their drug and alcohol program violations from current or prospective employers. Provide roadside inspectors and other enforcement personnel with the means to ensure that drivers receive required evaluation and treatment before performing safety-sensitive functions, such as driving a commercial motor vehicle (CMV). Make it easier for FMCSA to determine employer compliance with testing, investigation, and reporting requirements.

HOW WILL I USE THE CLEARINGHOUSE? EMPLOYERS

Report drug and alcohol violations and check that no current or prospective employee is prohibited from performing safety-sensitive functions, such as operating a CMV, due to a drug and alcohol program violation for which a driver has not successfully completed a Return-To-Duty (RTD) process.

CDL DRIVERS

View own record, provide consent to current or prospective employers to access details about any drug and alcohol program

violations, and select a Substance Abuse Professional, if needed.

MEDICAL REVIEW OFFICERS

Report verified positive drug test results and test refusals.

SUBSTANCE ABUSE PROFESSIONALS

Report RTD initial assessment and eligibility status for RTD testing.

CONSORTIUM/THIRD-PARTY ADMINISTRATORS

On behalf of an employer, report drug and alcohol program violations and perform driver queries as required.

STATE DRIVER LICENSING AGENCIES

Query the Clearinghouse prior to completing licensing transactions.

WHAT TYPES OF DRIVERS AND EMPLOYERS WILL THE CLEARINGHOUSE AFFECT?

All CDL drivers who operate CMVs on public roads, and their employers and service agents. This includes, but is not limited to:

- Interstate and intrastate motor carriers, including passenger carriers
- School bus drivers
- Construction equipment operators
- Limousine drivers
- Municipal vehicle drivers (e.g., waste management vehicles)
- Federal and State agencies that employ drivers subject to FMCSA drug and alcohol use testing regulations (e.g., Department of Defense, public transit)

YOU CAN HELP!

TST EDUCATIONAL SPONSORS

Weyerhaeuser, International Paper, Louisiana Pacific, Forestry Industry Safety & Training Alliance, American Loggers Council, Norboard Jefferson Mill and Nacogdoches Mill, Hancock Forest Management, Rayonier, Columbia Forest Products, Walsh Timber Company, Ward Timber, Alabama Loggers Council, Carolina Loggers Association, Texas Forestry Association, South Carolina Timber Producers Association, Mississippi Loggers Association, Louisiana Logging Council, Forest Resources Association, Specialty Market Managers, BITCO, Everest FMIC Insurance Agency, Forest Insurance Center Agency, Guffin and Eleam, Inc. Gaines & Critzer Insurance Agency, Bates, Hewett & Floyd Insurance, South Georgia Tech (Provided by INTERFOR), Coastal Pines (Provided by INTERFOR), Beech Island Timber and Construction, McGill Brothers, Anderson Logging, Midstream Timber Solutions and L.D. Long, INC.



WHAT YOU CAN DO TO HELP IN 2019?

HAND OUT TEAM SAFE TRUCKING DRIVER DAY FLYER'S

TEAM Safe Trucking has created a TEAM Safe Trucking Driver Day hand out. You could help get these out to members of the supply chain, drivers and Forestry Transportation Business Owners.

INVITE MIRANDA GOWELL TO PRESENT TEAM SAFE TRUCKING

Miranda Gowell, TEAM Safe Trucking's Special Project Manager is available to visit your state and present all the benefits of becoming involved with TEAM Safe Trucking. Her presentation usually runs about 45 minutes and then there is typically a question and answer session.

ATTEND ONE OF TEAM SAFE TRUCKING'S SEMI-ANNUAL MEETINGS

TEAM Safe Trucking is holding a semi-annual meeting will be held on September 24-25 at Perdido Beach Resort in Orange Beach, Alabama. During these meetings there are presentations from various members of the supply chain on how they are implementing TEAM Safe Trucking training and working to improve safety in the Forestry Transportation Industry. Participants are provided a time to comment, add ideas and discuss safety challenges for the Forestry Transportation Industry.

ENCOURAGE DRIVER SAFETY ON SOCIAL MEDIA

Share posts from the TEAM Safe Trucking Facebook page. Share safety ideas on the TEAM Safe Trucking Facebook page.

HOLD A TEAM SAFE TRUCKING TRAINING DAY AND BECOME A TEAM SAFE TRUCKING TRAIN-THE-TRAINER

TEAM Safe Trucking holds weekly webinars for people who are interested in becoming a train-the-trainer. To register for the Wednesday 10AM-1045 eastern time webinar email Miranda Gowell and she will send you a registration link. miranda.gowell@teamsafetrucking.com



BATES HEWETT & FLOYD
— RISK & INSURANCE —

TRAIN-THE -TRAINER

MODULE ONE & MODULE TWO
EVERY WEDNESDAY
10-1045 AM
EASTERN TIME

JOIN THE EXECUTIVE COMMITTEE OR BOARD

Currently TEAM Safe Trucking is looking for individuals to step forward to create a Marketing Subcommittee. Next year TEAM Safe Trucking will be looking for someone interested in becoming the President. We are always looking for additional members for the Board. Both the Executive Committee and Board hold monthly calls and are involved in their states promoting TEAM Safe Trucking and guiding the direction of TEAM Safe Trucking. If you have an interest in becoming actively involved contact Miranda Gowell.

BECOME A BUSINESS SPONSOR

Recently TEAM Safe Trucking has created a Business Sponsor package where businesses are provided with many marketing opportunities through TEAM Safe Trucking events, social media and promotional products. If you are interested in learning more contact Miranda Gowell, Special Projects Coordinator
p: 877-339-7757 m: 207-841-0250
w: teamsafetrucking.com
e: Miranda.gowell@teamsafetrucking.com



ON-BOARD SCALES

IMPROVED SAFETY THROUGH THE USE OF ON BOARD SCALES

Increased enforcement by State and local agencies of weight limit restrictions has led to the widespread use of On board Scales and other weighing systems. Initially, this was largely in vocational industries where working in remote locations made the use of weigh stations impractical.

Logging is a natural fit and the payback can be less than one year. Fleet owners and operators have found that while reducing fines may be the original reason for adopting this technology, consistently optimizing their load had the highest return on investment.

The adoption of this technology has had an un-foreseen side effect, increased safety!



Trucks that are loaded properly operate within vehicle specifications. Owners have found that this has not only reduced accidents but greatly reduced maintenance costs and increased the life of the vehicle.

New GPS software combined with Onboard Scales allows fleet owners to monitor vehicle location, speed, driver's hours and weight levels, dramatically increasing vehicle safety while ensuring optimal performance.

CALIBRATION OF ON-BOARD TRUCK SCALES

On-Board Truck scales are relatively well calibrated from the factory but some fine tuning may be required. Simple calibration is achieved by picking up a load and driving to a platform scale. The meter is adjusted to match the platform scale weight. This is how simple calibration can be. How to Use On-Board Scales The scales include a meter in the cab of the truck and warning options to let the loader know when the maximum capacity is reached. Additional options include the Vulcan V700 remote display and/or exterior mounted scoreboards.

THE BENEFITS OF USING ON-BOARD SCALES

On-board scales allow you to weigh your payload at the pick up Point allowing the driver to control loading of the vehicle to get the maximum payload with out going overweight.

Managers can set operational weight limits, the driver can act on that weight limit using continual, real-time feedback from the in-cab weight display. All data is stored and can be sent to external computing devices.

Additional tracking data can provide the number of loads hauled per shift, time between loading and dumping, fatigue impact of payload and road conditions as it relates to a vehicles chassis and other critical components.

On-board scales provide real time loading information. Platform scales do not offer these real time weighing benefits. Platform scales

require the vehicle to be driven to the platform scale then back to the site to make load adjustments.

MAINTENANCE

On-Board truck scales require minimal maintenance. On-board scales typically have no moving parts so there is little chance of wear or systemic issues. Quarterly checks of bolts and connectors should be all that is needed to ensure connection.



UPCOMING EVENTS

1

5-3-19 MID-ATLANTIC LOGGING BIOMASS EXPO, Laurinburg, NC

5-17-19 Montana Logging Association Annual Meeting

5-17-19 Bangor, Maine Logger Expo

5-20-19 FRA Annual Meeting, Omni Amelia Island Plantation Resort, Amelia Island, FL

2

6-26-19 Forest Products Machinery & Equipment Expo, Georgia

7-10-19 West Virginia Forestry Association Annual Meeting

7-26-19 Georgia Forestry Association Annual Meeting

8-17-19 NYS WOODSMEN'S FIELD DAYS Sat, 17 August 2019 - Mon, 19 August 2019 Fairgrounds, Booneville, New York, USA

3

8-20-19 Florida Forestry Association Annual Meeting

8-23-19 Virginia Loggers Association Annual Conference

8-23-19 SOUTHWEST FOREST PRODUCTS EXPO, Hot Springs, Arkansas

8-27-19 Louisiana Forestry Association Annual Meeting



9-5-19 GREAT LAKES LOGGING & HEAVY EQUIPMENT EXPO Thu, 05 September 2019 - Sat, 07 September 2019

9-8-19 Alabama Forestry Association Annual Meeting

9/24/19 - TEAM Safe Trucking Training Day Orange Beach, Alabama

9/25-19 - TEAM Safe Trucking Semi-Annual Meeting Orange Beach AL

ENTRY LEVEL DRIVER TRAINING

ENTRY LEVEL DRIVER TRAINING & FMCSA

As of February 7, 2020 there will be two required trainings to be completed prior to sitting for a CDL test or upgrading a license from a Class B to a Class A. The two required training areas are Theory and Behind The Wheel.

TEAM SAFE TRUCKING AS ENTRY LEVEL DRIVER TRAINING THEORY PROVIDER

The FMCSA will be requiring Entry Level Driver Training regulations (ELDT). Team Safe Trucking is applying to become an Entry Level Driver Training Provider for the theory portion of this Entry Level Driver Training regulation. If accepted, Team Safe Trucking will be able to provide training to meet the theory training requirement for new Log and Chip Truck drivers entering into the Forestry Transportation Industry through Educational Sponsors. Team Safe Trucking is working with colleges, technical schools and businesses to become Behind The Wheel Training Providers to assist the industry with meeting this new FMCSA Entry Level Driver Training Requirement.

FOR MORE INFORMATION REGARDING THIS REQUIREMENT:

Search online: Federal Register/Vol 81, No.236/Thursday, December 8, 2016 Rules and Regulations 88795.

If you are interested in supporting the development of this curriculum please contact Team Safe Trucking's Special Project Manager, Miranda Gowell at Miranda.gowell@teamsafetrucking.com or by phone at 207-841-0250.

THATS FOUNDATION TO SUPPORT DEVELOPMENT OF 18 ADDITIONAL ONLINE COURSES FOR ELDT

TEAM Safe Trucking will be submitting a Grant Application to the THATS FOUNDATION to develop 18 courses to meet the requirements detailed in the ELDT regulation. The Team Safe Trucking Theory courses will provide content in the following areas: Basic Operation, Orientation, Control Systems/ Dashboards, Pre-and Post-Trip Inspections, Basic Control, Shifting/ Operating Transmissions, Backing and Docking, Coupling and Uncoupling, Safe Operating Procedures, Visual Search, Communication, Distracted Driving, Speed Management, Space Management, Night Operation, Extreme Driving Conditions, Advanced Operating Practices, Hazard Perception, Skid Control/Recovery, Jackknifing, and other Emergencies, Railroad-Highway Grade Crossings, Vehicle Systems and Reporting Malfunctions, Roadside Inspections,

Maintenance, Non-Driving Activities, Handling and Documenting Cargo, Environmental Compliance Issues, Hours of Service Requirements, Fatigue and Wellness Awareness, Post-Crash Procedures, External Communications, Whistleblower/Coercion, Trip Planning, Drugs/Alcohol and Medical Requirements. TEAM Safe Trucking has developed thirteen courses that will meet the curriculum requirements however approximately 18 additional courses will need to be developed. The Executive Committee and Board will be working on sharing best practices to develop trainings that will meet the FMCSA regulations and make them Forestry Transportation specific.

PARTNERSHIPS ARE NEEDED TO MEET THE BEHIND THE WHEEL PROVIDERS REQUIREMENT FOR THE FORESTRY TRANSPORTATION INDUSTRY

TEAM Safe Trucking Executive Committee Members and Board Members, as well as, others will be working with Colleges, Technical Schools and CMV trainers, as well as businesses who may be able to provide the behind the wheel training requirements. If you are interested in being a behind the wheel training provider you can apply online on the Federal Motor Carrier Entry Level Driver Training portion of the website in approximately two-weeks.

<https://www.fmcsa.dot.gov/registration/commercial-drivers-license/eldt>

FMCA Contact Information:

Rich Clemente
Driver and Carrier Operations Division
Federal Motor Carrier Safety Administration
Washington, DC
MCPSPD@fmcsa.dot.gov



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9/25/19 Team Safe Trucking Semi-Annual Meeting Orange Beach, AL

SOUTH CAROLINA TRUCKING ASSOCIATION ACTION ALERT

Date: April 15, 2019
To: CMV Fleet Owners
From: Rick Todd, P&CEO, SCTA
ricktodd@sctrucking.org – (803) 799-4306
Re: H. 4336 & H. 4381 (See Explanations Attached)
Call & Write your House Members: “Need Support Now”
Bills Pending before the House Education & Public Works Committee

Personal injury lawyers are hard at work to protect their fees and exploit your liability/insurance. Your action is required.

H. 4336 and H. 4381 are in response to out-of-control “negligence”/punitive damages claims against businesses who operate commercial motor vehicles.

H. 4336 provides as follows: SECTION 56-1-2150 - A person is to be presumed to possess the qualifications necessary to be hired and entrusted to drive a commercial motor vehicle if the person has a commercial driver license issued by a state in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver licenses, if the person's license is not suspended, revoked, or cancelled and if the person is not disqualified from driving a commercial motor vehicle.

This bill intends to provide a simple “presumption” of qualification if a person holds a valid CDL. It would add a layer of insulation from abusive and unwarranted punitive damages claims made by plaintiffs’ lawyers seeking to inflame juries and inflate settlements/awards.

H. 4381 attempts to reign-in abuses of “evidence,” “negligence” claims, and court procedures used against employers. This would apply to driver and vehicle “negligence” claims.

SCTA and its allies are compelled to codify these simple fixes to the legal traps CMV operators face. The effect will be to clarify that the plaintiff has the burden

of proof to produce evidence of true “negligence” – *but only in the proper phase of a trial* – in South Carolina’s courts.

These bills do not in any way limit any liability or damages.

But they do protect YOU and your DRIVERS and restore YOUR right to a fair trial.

It is critically important that YOU contact your House Member below. Read the attached information and contact them urging their SUPPORT of these two bills. Spread the word, too.

Get their commitment; then thank them for their efforts on behalf of better government:

Representative Lin Bennett

Home Address

231 N. Ainsdale Dr.

Charleston, SC 29414

(843) 571-6330

State House Address

414D Blatt Bldg.

Columbia, SC 29201

(803) 212-6948

Representative Bobby Cox

Home Address

419 The Parkway PMB #128

Greer, SC 29650

(864) 631-5840

State House Address

312A Blatt Bldg.

Columbia, SC 29201

(803) 212-6883

Representative Ivory Thigpen

Home Address

P.O. Box 291416

Columbia, SC 29229

(803) 865-8738

State House Address

333A Blatt Bldg.

Columbia, SC 29201

(803) 212-6794

Representative Ronnie Young

Home Address

220 Deerwood Dr.

North Augusta, SC 29841

(803) 593-4745

State House Address

418A Blatt Bldg.

Columbia, SC 29201

(803) 212-6917

Representative Richie Yow

Home Address

178 Mill St.

Chesterfield, SC 29709

(843) 623-5001

State House Address

327C Blatt Bldg.

Columbia, SC 29201

(803) 212-6949

H. 4336 Presumption of Qualification with a Valid CDL

Arguments in Support of a “Presumption”

Unlike the Majority of states, in practically every CDL-type trucking accident case in South Carolina, truck-owner-companies face unwarranted punitive damages exposure through additional “negligent hiring” and “negligent entrustment” claims – even though they have accepted “vicarious liability” for the acts of their employees. SC is an outlier in this regard.

The result is we have “trials within trials” where there’s also a case about an employer, instead of a case about a wreck.

A Fall 2018 House E&PW sub-committee heard this exposure has insurers increasing premiums, unfairly jeopardizes employers, and stifles the hiring of many holders of valid CDL licenses.

H. 4336 ADDS TO THE CURRENT CDL QUALIFICATION SECTION OF THE SC CODE:

SECTION 56-1-2150 - A person is be presumed to possess the qualifications necessary to be hired and entrusted to drive a commercial motor vehicle if the person has a commercial driver license issued by a state in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver licenses, if the person's license is not suspended, revoked, or cancelled and if the person is not disqualified from driving a commercial motor vehicle.

IN A LAWSUIT CONTEXT, THIS IS REBUTTABLE, IT CAN BE OVERCOME WITH PROOF TO THE CONTRARY

The legislation provides an explicit-but-rebuttable “presumption.” The burden of proof properly remains on the plaintiff. It simply provides a much-needed layer of insulation against abusive and unwarranted “negligence” (punitives) claims against employers. (In almost all instances, an employer has already admitted/accepted “vicarious liability” for the acts of its employee, including *all* actual damages.)

This does *not* create a conclusive or *non-rebuttable* presumption. A trial judge would charge the jury that this statutory language allows/“infers” they presume the employer was not negligent in hiring the individual, or in entrusting the vehicle to him. The judge would then tell the jury that this presumption *could* be overcome by proof to the contrary...the way the system is *supposed* to work.

(Opponents may propose to add other language - to the effect that the presumption could be overcome by proof by the greater weight or preponderance of the evidence that the employer was negligent in hiring or entrusting – to defeat or weaken the intent, but nothing else needs to be added to the statute.)

This language in no way reduces or shields anyone from, or limits, any liability. But *proof* is required.

Now, personal injury attorneys pursue 3 levels of damages: 1) Economic (“actual” damages); 2) Non-economic (“pain & suffering”); *and* 3) Punitives (which exponentially increase total awards, *and attorney fees*). This abusive manipulation of the civil justice system has created perverse incentives.

Punitive damages originally were to be imposed only in the most egregious cases in order to “punish and deter.” But they have become another pot of insurance money targeted by plaintiffs’ attorneys.

Have you noticed the pervasiveness of personal injury lawyer advertisements?

H. 4381 CDL HOLDER EMPLOYMENT PROTECTION ACT

Trucking Defense Lawyers:

"All trucking accident cases have punitive damages claims in the complaint."

"Half of the judges allow what should be inadmissible evidence in the 1st phase of what is supposed to be a bi-furcated process/trial...they don't restrict prejudicial evidence to only the 2nd phase."

THIS IS WRONG, AND IS CONTRARY TO THE INTENT OF THE LAW

This legislation would provide fair, much needed protection for businesses that own and operate trucks, and their CDL drivers. In South Carolina CDL fleets face unwarranted exposure to excessive punitive damages liability when it comes to negligence claims. The nature of trucking operations is unique and a CDL driver is not the typical employee. Mere violations of traffic laws and safety regulations in South Carolina trigger negligence claims, which leads directly to "recklessness" claims, which can be used to impose punitive damages against vulnerable businesses. The process to adjudicating these claims is supposed to be bi-furcated. But as the Preamble of the Bill suggests, the current process requires clarification.

Preamble to the Bill:

Whereas, it is the public policy of this State to recognize that: a viable truck transportation industry with an adequate supply of professionally licensed drivers is critical to the state's economy; commercial motor vehicle owners must meet strict federal and state requirements to maintain fleet operations on public highways; professional drivers must meet strict federal and state requirements in order to obtain and keep a commercial driver license; and they are subject to law enforcement oversight while in the conduct of their ordinary business operations in multiple jurisdictions with exposure to inconsistent enforcement and inspection practices, all of which result in records that may be misconstrued by regulators, plaintiffs, and jurors; and

Whereas, commercial motor vehicle operators and their professional drivers should not face inconsistent, disproportionate, redundant, or excessive exposure to civil lawsuits in the state's courts.

The Bill (emphasis added)

Article 8 - Commercial Driver License Holder Employment Protection Act

SECTION 1. Chapter 23, Title 58 of the 1976 Code is amended by adding:

Section 58-23-800. This act may be cited and referred to as the 'Commercial Driver License Holder Employment Protection Act'.

Section 58-23-810.

- (A) The successful completion of a federally sanctioned commercial driver license examination and issuance of a valid commercial driver license by this State or any other state shall constitute prima facie evidence of basic qualifications to drive such commercial motor vehicles as the license allows, provided the license is not in an active state of suspension or the driver has not been disqualified to operate such a commercial motor vehicle.

(THIS MEANS A VALID CDL HOLDER IS PRESUMED TO BE QUALIFIED – MAY SUBSTITUTE H. 4336 LANGUAGE.)

- (B) In trials of civil actions where vicarious liability of an employer or principal has been admitted, civil liability claims made against the employer of a person who holds a valid commercial driver license issued by this State or another state based on a theory of negligent hiring, negligent training, negligent supervision, negligent retention, or negligent entrustment must not be considered in the first phase of a bifurcated trial pursuant to Section 15-32-520(E) and only can be considered in the second phase of a bifurcated trial pursuant to Section 15-32-520(E) if there is evidence against the employer which would support an award of punitive damages.

(EVIDENCE OF NEGLIGENCE AND CLAIMS FOR PUNITIVES MUST BE CONSIDERED IN THE SECOND PHASE OF A BIFURCATED TRIAL IF THERE IS EVIDENCE TO WARRANT PUNITIVE DAMAGES)

- (C) A violation of a regulation enacted under the motor vehicle traffic and safety statutes and regulations of this State, or of another state, or the Federal Motor Carrier Safety Regulations, or a conviction of a moving violation, shall not constitute per se willful, wanton, or reckless conduct, or gross negligence and must not be admissible in the first phase of a bifurcated trial pursuant to Section 15-32-520(E). Evidence of such a violation or conviction that is otherwise admissible must be admissible in the second phase of a bifurcated trial pursuant to Section 15-32-520(E) only for the purpose of proving willful, wanton, or reckless conduct.

(THIS MEANS VIOLATIONS AREN'T INHERENTLY/PER SE GROSS NEGLIGENCE, THIS EVIDENCE MUST BE RESERVED FOR THE SECOND PHASE OF A TRIAL AND ONLY FOR PURPOSES OF PURSUING PUNITIVE DAMAGES)

(D) Punitive damages may not be awarded against the employer of a person holding a valid commercial driver license based solely on a finding of vicarious liability."

(THIS MEANS EVIDENCE MUST WARRANT PUNITIVE DAMAGES, NOT SIMPLY BECAUSE VICARIOUS LIABILITY IS ACCEPTED)

ESTABLISH A UNIFORM TRIAL PROCESS FOR TRUCK ACCIDENT CASES IN SC

An adverse 2005 S.C. Supreme Court Decision allows a plaintiff to pursue *additional* direct negligence claims *once* vicarious liability has been admitted by an employer. While it is implied by statute (SC Codes of Laws 15-32-520) that a negligence claim – and any evidence related to it - would likely *be held* until the second phase, it is truly left up to the Judge's discretion. (In fact, *most states do not allow for such negligence claims based on vicarious liability for actual damages; however, some allow punitive damage claims based on truly gross negligence.*)

This bill would clarify that "negligence" claims may only be presented as evidence to prove punitive damages, and must be held only in the second phase of a bi-furcated trial.

- The rationale for this is because the **first phase** of a bifurcated trial is meant for a jury to determine liability/amounts for **compensatory/actual damages**. (First Phase: GUILT PHASE)
- "Negligence" should only be addressed in the **second phase** of the trial because the sole purpose of the second phase is to determine liability/amounts for **punitive damages**. (Second Phase: PENALTY PHASE)

If evidence related to a "negligence" claim is submitted during the first (guilt) phase, it prejudices the jury against the company. Companies fear this, and are more likely to settle - for unfair, inflated amounts – rather than face a prejudiced jury. However, if left to the second (penalty) phase of the trial, such evidence would be appropriate in determining whether punitive damages are warranted. Punitives should be hard to prove, not used as a threat.

The bill intends to "exclude" evidence relating to violations of Safety and Traffic laws, and the Federal Motor Carrier Safety Regulations (FMCSR) *only during the First/Guilt Phase* of trials. The exclusion only applies to evidence on the violation or conviction, and not the underlying conduct.

For example: Under the bill, a plaintiff's attorney will not be able to introduce evidence during the first phase to show that the driver or company was cited for having a truck in an unsafe condition (tires, brakes, etc.). However, the plaintiff attorney can still introduce evidence that the condition of the truck was such that the standard of care was violated (ex. the brakes were not in proper condition, so the truck was unable to stop and struck the car).

The Plaintiff Attorney cannot introduce evidence that a defendant was ticketed/convicted for speeding or driving too fast for conditions when an accident occurred. However, they can introduce evidence of the rate of speed that the defendant was traveling even if the rate of speed was in excess of the maximum legal speed (70 mph). *This is currently how violations of the "Uniform Act Regulating Traffic On Highways" are handled. (See 56-5-6160. No evidence of conviction of any person for any violation of this chapter shall be admissible in any court in any civil action.)*

The language "...that is otherwise admissible..." ensures no conflicts with other state statutes and court rules that prevent introduction of certain evidence. The bill does not serve to limit evidence that is currently allowed to be introduced.

Sub-Section (D) represents a statutory clarification necessary due to a Supreme Court Decision in *James v Kelly* (2008). A plaintiff may still pursue punitive damages after an employer accepts vicarious liability. But the plaintiff must prove that the conduct rose to a level warranting punitive damages, in the proper Second/Penalty Phase.

It also represents a "compromise" with previously expressed concerns from plaintiff's attorneys, and is language that was adopted by a Senate Judiciary Committee in 2014.

South Carolina-Based Truck Fleets Face Excessive, Anti-Competitive Liability in Accident Litigation

Nuclear verdicts have exploded in SC, so have settlements in order to avoid them

Three South Carolina Supreme Court Decisions and Decades of Legislative Inertia Are Taking Their Toll on the Business of Trucking in Our State

- 1) *The South Carolina Supreme Court in 1991 in the Nelson v. Concrete Supply Decision, struck the doctrine of Contributory Negligence, purportedly replacing it with “Comparative Negligence.” But that devolved into an incomplete and inconsistent patchwork of “Joint & Several Liability,” leading to the common practice of searching for the deep pocket in truck lawsuits. The lack of a clear and appropriately-comprehensive legislative response – aided and abetted by the plaintiffs’ bar – has left this state with an unfair and anti-business at-fault adjudicatory system that is contradictory with even its own Title in the SC Code: “South Carolina Contribution Among Tortfeasors Act.”*
- 2) *Meantime, the Court’s James v. Kelly Decision in 2008, placed the state squarely in the small Minority of states who allow lawsuits about vehicle crashes to morph into trials about the employer/company – with the specter of punitive damages at every turn. Even after an employer admits/accepts vicarious liability for the actions of its employee, the Court ruled that an additional direct negligence claim may proceed against the employer, even in the absence of conduct warranting punitive damages.*
- 3) *One final Court Decision of negative impact was in Smith v. Tiffany, 2017, that ruled the 2005 legislative attempt to try to get closer to a more-fair form of Comparative Negligence/Fault wasn’t perfect. The Decision, hailed by the plaintiffs’ bar, rendered that somewhat weak legislative remedy effectively null and void over one word. Now, it has been affirmed that parties with minimal fault may pay up to 100% of damages. The hunt for the deep pocket is back, unabated.*

The common thread in each of these cases, was the involvement of a commercial motor vehicle (CMV/truck). Arguably, none of these adverse decisions would have been rendered by the Supreme Courts of our sister states. That’s due to the make-up of their courts, and their state’s motor vehicle liability laws. Further, arguably none of the employers involved could have prevented the conduct which led to the claimed “proximate cause” that triggered these lawsuits.

The combined effect of these decisions and legislative inertia has formed a legal framework that has placed commercial trucking at a disadvantage, not only in the courtroom, but amongst South Carolina’s sister states. This is stifling small business growth due to a reluctance of employers to hire otherwise qualified drivers with valid CDL licenses, and exposes businesses with commercial vehicles to excessive liability, and rapidly escalating insurance premiums.

The Legislature should set public policy, not the courts. However, the legislature has abrogated its role in establishing and clarifying statutes, thereby failing to instruct the courts in the administration of what it would have determined to be good public policy in South Carolina.

South Carolina needs lawsuit reform for working men and women, and small business particularly. We need “Tort Reform for the Good Guys.”

Background on the CDL

A CDL is a state-issued, federally-prescribed, and uniform truck drivers' license – fully sanctioned by state and federal law. If a driver has successfully passed all of the required tests and has been issued a CDL, then it should be *prima facie* evidence of the driver's qualification to be hired, i.e., *prima facie* evidence that the driver does not pose "an undue risk of harm to the public." If nothing else, a "presumption of qualification" is necessary.

A CDL can be suspended by the state, pursuant to state and federal statutes/guidelines, and a driver can be temporarily, or permanently disqualified to hold it if he commits certain offenses.

If a driver's CDL is valid (current and not in a state of suspension or disqualification) then how can a company be "negligent" in hiring a CDL holder to operate a vehicle on the company's behalf?

The Truck Drivers'/CDL Employers' Jeopardy: A Glimpse into the Imperfect World of the Nation's Supply Chain

It is *impossible* to run a "perfect" trucking operation with the host of uncontrollable variables on crowded roadways.

Truckers – drivers, businesses that own and operate truck fleets – operate in a world largely unknown to most Americans. It is a rough and tumble, heavy-industrial environment. Weather, traffic, road conditions, loading/unloading delays, inconsiderate treatment, countless rules and regulations enforced by any number of jurisdictions contribute to an unpredictable and imperfect supply chain. Equipment gets dirty and breaks (defects) while in service. (There are over 800 items referenced in the Federal Motor Carrier Safety Regulations, mostly minor, any of which might be "written-up"/cited for a violation.) Driver and vehicle records go into a federal/state database and become discoverable, often misconstrued, and distorted.

The lifestyle that is "trucking" is one of the most challenging of all. It is simply the nature of the job, and the industry. Drivers, being human and despite the best of intentions, are subject to having momentary lapses in attention and/or judgment. It is hard to imagine an instance where one purposefully acts in such a way as to expose themselves to risk, or intentionally harm someone else. Mistakes happen, and errors are committed.

Workers face incredible risks. And the financial risks for employers are daunting. Businesses simply don't own trucks – or employ drivers – if they're not compelled to. The pool of CDL-driver applicants is what it is – static – and, in fact, shrinking.

The current lawsuit environment translates into employers' reluctance to hire many drivers with valid CDLs who are otherwise qualified to drive. This stifles job opportunities and exacerbates a shortage which is on the verge of a crisis.

Legislation is urgently needed to reduce this state's worst legal traps for commercial vehicle operators who employ CDL holders. It is also good public policy to return to a culture of giving the benefit of the doubt to trucking businesses and their employees.

Overcrowded roadways filled with distracted drivers contribute to car/truck accidents. Nationally, statistics show that when a fatality occurs, the car driver is cited as an at-fault contributor over 70% of the time. Driver *error*, not defective equipment, is generally the primary cause of all vehicle collisions.

Despite these facts, personal injury lawyers' incessant commercials and distracting billboards all too often imply business and industry is greedy and that truck fleets and drivers don't care about the safety of others. This pervasive messaging encourages frivolous and abusive lawsuits, inflates award/settlement demands, taints the image of drivers, and prejudices the jury pool.

This has led to virtually every trucking accident case including a *direct* negligence claim. Plaintiffs seek punitive damages against the motor carrier/employer in the form of negligent hiring, training, entrustment, supervision, or retention claims. In some instances, these are distinctions without differences, which prove the true motive is to find ways to extract windfall insurance policy payouts.

This can result in an inherently unfair situation because the motor carrier (as the employer) is already “vicariously” liable for the actions of the driver (employee). This means that in an at-fault collision, the employer/company will pay compensatory damages – actual and “pain and suffering” (with no limitations). Allowing another direct claim against the employer, in addition to existing liability is duplicative, superfluous, problematic, and plagues fleets. Yet, this is what was affirmed to be the process in South Carolina by the SC Supreme Court in the *James v. Kelly Decision* in 2008.

In the event the truck driver’s action was the proximate cause of the accident, it really does not matter whether the direct negligence claim against the motor carrier has merit at all. The direct negligence claim against the motor carrier is simply a derivative of the driver’s negligence. In other words, whether the employer was negligent or not neither increases or decreases the percentage of fault attributable to the employee – nor should it increase or decrease the amount of recoverable damages.

Direct negligence claims are often used to provide a backdoor means to introduce evidence of prior bad acts, which would otherwise be inadmissible during a trial. They can also serve as a mechanism to inflate monetary demands during settlement negotiations. There are no additional damages caused by non-proximate-cause conduct or violations. So, in South Carolina we have cases against employers, rather than a case about an accident.

On the surface, it would seem logical to automatically dismiss direct claims under vicarious liability to avoid an unfair and prejudicial trial. This is the rationale the vast majority of states apply. South Carolina’s legislature must reverse this trend and rejoin the majority of states in this regard.

The legislature did attempt to enact a bifurcated process for handling claims for punitive damages. In this bifurcated system, the first phase of the trial is to strictly assess liability/apportion *all*-parties’ fault and award damages. The second phase is then to be used for plaintiffs to present evidence if they want to invoke punitive damages. This process has been perverted by aggressive plaintiffs’ lawyers, who try to insert unrelated evidence into the first phase, thus placing drivers and employers in untenable predicaments.

In the event a motor carrier’s alleged negligence *was* so offensive that an award of punitive damages would be warranted, the court should focus on the alleged negligence claim during the second phase of a bifurcated trial when an award of punitive damages can be made. This ensures that there must be competent evidence to prove direct negligence on behalf of the employer, so they are not simply faulted for the actions of their employee. More importantly, it guarantees that punitive damages serve their intended purpose – to punish and deter outrageous behavior. This was one of the express intentions of the legislation which established the bifurcation process.

The Punitive Damages Triggers Traps for CMV Operators/CDL Drivers

Punitive damages in South Carolina may be awarded for “**willful, wanton or reckless conduct.**” For today’s highway environment, and for commercial motor vehicle operators trying to navigate it, the “bar” is set too low. Statutory and case law says:

Willful = conscious failure to exercise due care constitutes willfulness.

56-5-2920 defines “reckless driving” as: “any person who drives in such a manner as to indicate either a willful or wanton disregard for the safety of...”

Citations/convictions of speeding, following too closely, momentary inattentiveness on today’s overcrowded, poorly maintained roadways, or any driver or equipment safety

regulations violation noted on an inspection report – no matter how minor – are triggers, because...

Reckless = violation of a statute is some evidence of negligence which, according to SC law, equates to recklessness.

The Need to Modernize Motor Vehicle Tort Law for Today's Highway Environment

In addition, in the motor vehicle/highway context, a more modern, fair, practical and clear definition of what constitutes “reckless” begs adoption. One simple, readily-apparent example is it may not be reasonable to expect a professional driver to be *able* to maintain the traditional “safe following distance” consistently – if at all – in South Carolina’s urban highway environment today. Any act purportedly warranting punitive damages due to “recklessness” must be reflective of the real-world of driving within our government-provided highway system. Claims and evidentiary abuses are causing traps for fleets and court system failures to regulate insurance payouts.

To further expose commercial trucking operations to lawsuit abuses, Supreme Court interpretations allow an “empty chair” (typically an un- or underinsured motorist at-fault party) to avoid fair-share liability, while shifting their percentage of fault to other “defendants” in a lawsuit. In the trucking context, all too often after all other would-be defendants are settled out or dismissed, so that the only “defendant” left is the trucking company. At that point, a jury must apportion 100% of fault to any and all remaining defendants – usually the truck operator.

This legal status places South Carolina as an outlier, and worse when combined with allowing billed-versus-actual-paid-medicals to serve as the basis of awards, and disallowing evidence of non-use of seat belts. It all adds up to a grossly unfair legal/lawsuit climate for business trucking.

The *only* “winners” in our current system are the personal injury lawyers.

Last Fall's E&PW Committee Legislative Study Sub-Committee

A Fall 2018 E&PW sub-committee found among the major CDL-related issues employers routinely face are unwarranted claims against valid CDL holders and employers. This exposure has insurers increasing premiums, and places employers in increasing jeopardy, and stifles the hiring of otherwise qualified CDL licensees.

Finally, but Significantly, Another CMV Trap: Punitive Damages Insurance is Mandated in SC

South Carolina is the *only* state that mandates that auto liability policies must provide coverage for punitive damages. This further incentivizes lawsuit abuse, driving up costs of claims and insurance premiums. This is contrary to good public policy, and the purpose of the threat of punitive damages - which is to “punish and deter.” If you can insure for these damages, how does that deter?

What this does is make for a fertile field for trucker-hunting, contingency-fee-paid personal-injury lawyers, and a vulnerable environment for businesses with commercial vehicles.

Consideration should be given to repealing the mandate, making it optional, and allowing plaintiffs’ lawyers to decide if they want to pursue punitive damages as often as they do now. To do so would potentially bankrupt businesses, but quite possibly reign in or force a return to the original intent of imposing punitive damages, which was not to create an additional pot of money for lawyers, but to punish and deter truly bad actors.

South Carolina's Public Policy Shortcomings from a Truck Operator's Lawsuit Liability Perspective

In other words, why would a person want to take on the risks of operating a truck around cars in an operating environment, with:

- A political culture that discourages strict enforcement of speed limits, tailgating, distracted driving, DUI, seat belt laws
- Minimal, generally inadequate automobile insurance coverage requirements
- A set of laws which impose relatively low penalties for car-driver violators
- Minimal funding for safe driving initiatives and public driver education
- No mandatory helmet law
- Historically - and comparably - underfunded highway infrastructure
- The poorest highway safety record in the country

And yet, if a truck driver/fleet operator is involved in a collision:

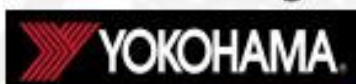
- There's little or no effective regulation of personal injury lawyer advertising
- Every significant wreck case ends up in a lawsuit with threats/claims for punitive damages, because the triggers for that exposure/threat are practically any "negligence"
- Plaintiffs' lawyers overwhelm defendant-truckers with oppressive and threatening discovery-document demands fishing for something relevant or not to the proximate cause of the wreck
- Some judges allow what should be inadmissible evidence into the first phase (liability and damages) of a trial, when the legislature bi-furcated the process so that if punitive damages might be warranted, any such evidence should only be allowed in the second phase so as to not risk prejudicing the jury during the first phase
- A plaintiff can pick which party he wants to sue, and go after the "deep pocket" defendant even if only minimally at-fault
- A plaintiff can be awarded "billed" medical costs, not what might be discounted and paid
- There are no limits on economic damage awards, or "pain and suffering" awards
- Nuclear Verdicts have arrived in South Carolina, the specter of which exponentially increases settlement demands
- Plaintiffs' lawyers get one third of any awards or settlements, which is a perverse incentive
- Insurance premiums increased 30% in 2016, and are on pace for another 30% in 2019

Improving this environment is part of SCTA's long-term Mission

\$100 NEVER TOOK YOU SO FAR.

...BREAKING NEWS...

After months of hard work, we have launched our new website. Members will now have access to their SLC invoices 24/7 with a member login! Amongst the new features are the "find the nearest station" to my location feature, an approved national tires and parts dealers with location info, fill out an application on-line and other features that will assist in the improved communication with our members. The SLC's founding "Cost-Cutting Mission" continues!



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Georgetown, SC
Orangeburg, SC
Domino, TX
Evadale, TX
Lufkin, TX
Pineland, TX
Covington, VA



Mark Your Calendar

May 2019

- 23 SC Timber Producers Association Board of Directors Meeting, 10 a.m., SC Forestry Commission Headquarters, Columbia
- 28 Newberry District Meeting, 7 p.m., SC Farm Bureau Office, Wilson Blvd, Newberry
- 30 Easley District Meeting, 7 p.m., Fatz Café, John C. Calhoun Drive, Easley

June 2019

- 11 SC SFI State Implementation Committee Meeting, 10:00 a.m., Harbison State Forest Environmental Education Center, Columbia
- 17 – 21 SC Sustainable Forestry Teachers Tour, Based In Hartsville

District meeting dates may be changed. Meeting notices will be mailed prior to scheduled meeting. Meeting dates will be posted on SCTPA website ... www.scloggers.com.

Members & Non-Members are encouraged to attend our district meetings to know what the issues are affecting the industry.

Need SFI Trained DVD Class or other training?

SCTPA can provide the New DVD Training Module for SFI Trained status. SCTPA is an approved DVD training class facilitator and will be scheduling classes during the year. Other training programs are available for safety, driver training, equipment lockout & tagout, hazardous materials spill control on logging sites and forestry aesthetics.

Truck Driver Training Workshops will be scheduled. Watch the Mark Your Calendar section of this newsletter for dates. Notices for SCTPA workshops & events will be forwarded.

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Hampton
Cell 803-571-0019

Vice Chairman: Josh Key
Beech Island Timber & Construction, Inc.
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Chapman Timber Inc.
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Walker & Walker Logging, LLC.
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Low Country Forest Products, Inc.
Round O
Cell 843-908-0085

Bob Lussier
Great Woods Companies, LLC
Bennettsville
Cell 860-377-5318

John Rice
Rice Land & Timber, LLC
Allendale
Cell 803-259-6202

Crad Jaynes
President & CEO
SCTPA
PO Box 811, Lexington, SC 29071
800-371-2240 Fax: 803-957-8990
bcjpaw@windstream.net



PO Box 811
Lexington, SC 29071
800-371-2240
803-957-8990
bcjpaw@windstream.net

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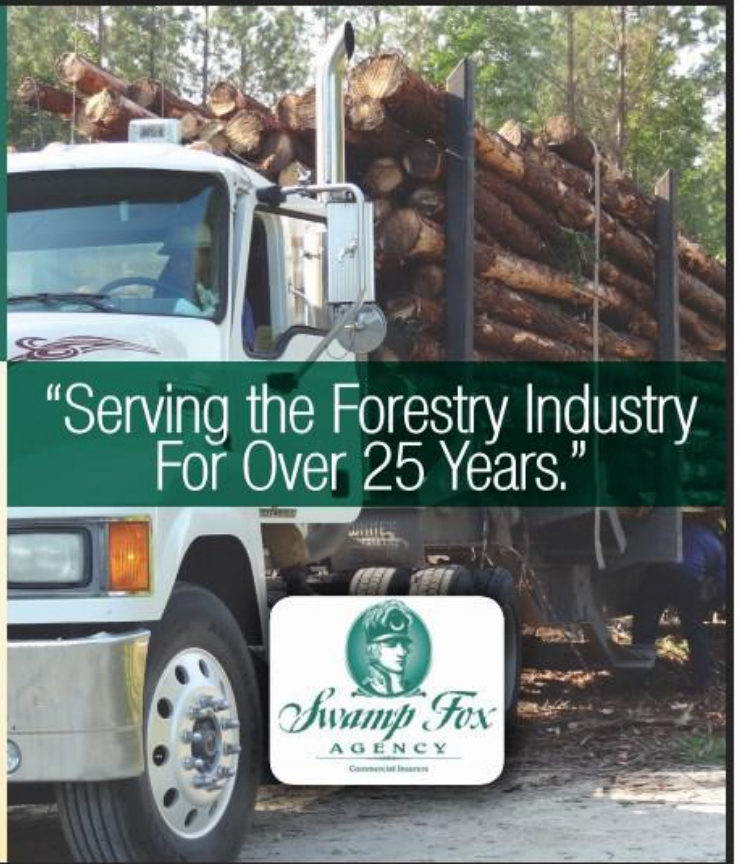
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Our Mission

The **Mission** of the *South Carolina Timber Producers Association* is to serve as the voice for timber harvesting and allied timber businesses to advance the ability of its members to professionally, ethically, efficiently, safely, environmentally and profitably harvest, produce and transport timber to meet the timber supply demands of our state by providing continuing educational and training opportunities, distributing timber harvesting, hauling, manufacturing and selling information, representing our members in national and statewide legislative activities, and aggressively promoting, supporting and conducting programs of state, regional and national advocacy.